

Federal Parks & Recreation

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House members investigating NPS workplace environment

Democrats and Republicans joined hands last week to step up an investigation of charges that the National Park Service is a hostile workplace, system-wide.

House Committee on Government and Oversight members from both parties wrote NPS October 5 and demanded numerous documents that may describe discord in both individual parks and nationally. Those documents would:

- * list employees "fired, dismissed, or retired" at Yellowstone National Park in the last four years,

- * describe an alleged "hostile work environment" at Yosemite National Park,

- * list the number of employees fired for sexual misbehavior in the last four years; and

- * list complaints of sexual harassment over the last four years.

The committee demanded the documents by October 11. A Park Service spokesman said October 12 that the Park Service had responded to the committee's request.

The committee was following up on a damning hearing on NPS it held September 22. The committee majority, led by chairman Rep. Jason Chaffetz (R-Utah), blasted NPS for a "hostile workplace environment." The committee letter to NPS was also signed by ranking committee minority member Elijah E. Cummings (D-Md.)

Chaffetz and Cummings said that at the hearing NPS Deputy Director for Operations Michael Reynolds promised to submit the requested documents within 24 hours of the hearing. Reynolds is slated to become the acting Park Service

director in January when the incumbent Jonathan B. Jarvis ends his term.

The committee is particularly interested in obtaining a "complete and unredacted" copy of an internal report on Yosemite. NPS has allowed the committee staff to see the report briefly to take notes, but not to keep it.

At the September hearing the Yosemite complaint was advanced by Kelly Martin, chief of fire and aviation management in the park. She said that she and "dozens of employees" have complained of a hostile workplace.

"Some employees chose not to come forward for fear of retaliation; however it is my understanding from support and park friends groups that many did come forward and that they provided written and oral statements to investigators," said Martin. The Interior Department IG is now investigating those complaints.

Chaffetz questioned the accountability of Yosemite Superintendent Don Neubacher, because he allegedly did not follow through on hostile workplace complaints. Chaffetz suggested a conflict of interest because Neubacher's wife, Patricia, is the deputy director of the Pacific West Region.

NPS put out the word a fortnight ago that Neubacher has retired as superintendent. *The Washington Post* said Neubacher was forced out by the Park Service.

The House hearing caps a year of harsh charges of (1) sexual harassment in the Park Service followed by (2) lack of action by agency supervisors. The most egregious examples identified by the Interior Department Inspector General occurred in Grand Canyon National Park and Cape Canaveral National Seashore.

According to a January report of the Interior Department Inspector General (IG), numerous employees reported instances of sexual harassment in the Grand Canyon River District over 15 years. And the response of National Park Service supervisors was muted, at best.

At Cape Canaveral the IG in a June 13 report said that a law enforcement supervisor over the last five years "has shown a pattern of sexual harassment involving (a) law enforcement employee and two other female employees at CANA."

NPS Director Jonathan B. Jarvis in July reemphasized to all agency employees that he expects zero tolerance of sexual harassment in the agency.

In a memo to all 22,000 NPS employees Jarvis wrote, "I want to clearly state that this means that when incidents of harassment are reported, I expect NPS managers to follow up on those allegations. Specifically, in situations involving alleged harassment, including sexual harassment, I expect NPS managers to initiate an investigation of the allegations and to act promptly to ensure that harassment, if confirmed, does not continue. I also expect appropriate disciplinary action to be taken if any allegations are verified."

At the House hearing NPS Deputy Director Mike Reynolds reinforced Jarvis's memo. "In response to (the Grand Canyon and Cape Canaveral) situations, the leadership team at the National Park Service has committed to making substantial and long-term culture changes at the agency to prevent sexual harassment and to ensure that every employee has a safe and respectful work environment," he said.

At the hearing the Grand Canyon complaint was made by Brian D. Healy, fisheries program manager. He said, "The toxic work environment has led to decreased employee morale, productivity, confidence in leadership, and feelings of anxiety, particularly among those that were victims of harassment, or that had the courage to report alleged misconduct, despite fears of retaliation."

The committee letter to Reynolds is available at:
<https://oversight.house.gov/wp-content/uploads/2016/10/2016-10-05-JC-EEC-CML-BLL-to-Reynolds-NPS-Hearing-Follow-Up-Doc-Request-due-10-11.pdf>.

Grijalva beats the drums for NPS aid and LWCF extension

A leading House Democrat has begun a month-long campaign to demand Congressional action on lead conservation programs, such as visitation to the national parks and the Land and Water Conservation Fund (LWCF).

Each day in October ranking House Natural Resources Committee member Raúl M. Grijalva (D-Ariz.) said he would pound the Republican majority in the committee for not taking up legislation to authorize increased funding for the Park Service Centennial and to make LWCF permanent.

How much good Grijalva's campaign will do is not clear in that the Republican Party enjoys a solid majority in both the Senate and the House. But LWCF stands a punters chance of being made permanent in an omnibus energy bill (S 2012) now before a House-Senate conference committee. The Senate version includes such a provision.

In addition the energy bill includes a modest provision to strengthen the National Park System on its Centennial. That could serve as a starting pint for a more substantive Centennial provision.

Grijalva laid out his campaign a fortnight ago, setting these priorities, "Despite clear public support for American federal conservation programs, the Republican majority on the Committee has steadfastly opposed the Antiquities Act and Endangered Species Act; refused to reauthorize the previously uncontroversial Land and Water Conservation Fund; failed to offer new funding to the National Park Service on the occasion of its 100th anniversary; ."

He followed that up October 6 with a piece recommending that the Park Service more actively solicit visitation from minorities, in particular Latinos. Grijalva cited the example of Saguaro National Park outside of Tucson, Ariz., his hometown. He said less than two percent of the visitors to the park are

Latinos, but the population of Tucson is 44 percent Latino.

Grijalva said the Park Service can do better and said Saguaro may be making progress. "Saguaro, for one, is aware of this issue and recently hired a Hispanic community leader from Tucson to bridge that gap," said the Congressman. "That's encouraging. Diversifying the workforce at our parks is key to connecting with local communities and attracting new visitors."

But Grijalva's Saguaro criticism targets the Obama administration, not Congress. He is also attempting to put pressure on Republicans on the committee to support LWCF, the Park Service Centennial and national monuments, among other programs.

If Congress is going to address any of those issues, it may do so within the context of the omnibus energy bill during a lame-duck session beginning November 15.

House and Senate energy bill conferees met for the first time September 8. At the session conferees did not act on any substantive issues in the bill; they just offered opening statements.

Taking the lead in the conference are Senate Energy Committee Chairman Lisa Murkowski (R-Alaska), House Natural Resources Chairman Rob Bishop (R-Utah) and House Energy & Commerce Chairman Fred Upton (R-Mich.)

When the conferees do begin work in earnest they will have their work cut out for them. That's because the House-passed version of S 2012 includes sweeping ancillary provisions that would expedite approval of hard rock mining projects, expedite hazardous fuels reduction projects and delegate responsibility to approve energy rights-of-way across national parks to the Interior Department.

The Senate-passed bill contains none of those provisions.

However, the Senate passed version would not only make LWCF permanent, it

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

The House-passed version of S 2012 contains none of those provisions. Indeed the House rejected an amendment on the House floor May 25 that would have directed House conferees to accept the Senate LWCF provision. The House said no in a close 205-to-212 vote.

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.

Centennial: In addition the Senate bill contains the seeds of a Park Service Centennial program. Neither the Senate-passed version of the energy bill nor a House stand-alone Centennial bill (HR 4680) bill comes close to an ambitious Obama administration proposal that would have Congress authorize more than \$500 million in new programs for the Centennial. (That's in addition to a huge increase in appropriations.)

The Senate energy bill 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 include a \$100 million per year guarantee for Centennial Challenge projects proposed by the Obama administration.

The Senate energy bill Centennial provision 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."

The House Natural Resources

Committee March 16 approved the stand-alone Centennial bill, HR 4680, that supporters are trying to get to the House floor to match up against the Senate provision. Like the Senate HR 4680 would establish a Centennial Challenge Fund and endowment, but unlike the Senate, would revise senior citizen America The Beautiful Pass rates, creating another possible controversy.

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.

AGs weigh in on legality of state demands for fed lands

A panel of western attorneys general said earlier this month that the U.S. Supreme Court has not ruled definitively that the federal government may retain public lands indefinitely.

Still, it cautioned that state claims to federal land face an uphill battle in federal courts.

The panel said in a landmark report that the Supreme Court has ruled twice that the feds can retain public lands indefinitely, but only within the purview of the case at hand. In other words the two decisions don't necessarily set precedence for situations where states demand transfer of federal lands.

"It thus appears that the Court would have discretion to follow the statements in *Stearns* and in *Light*, but would not be bound by those statements, in addressing whether the United States may retain ownership of public lands indefinitely," said the subcommittee, made up of the attorneys general of a dozen western states.

"The readers of this Paper must draw their own conclusions as to whether the Supreme Court likely would follow the *dicta* from *Stearns* and *Light* if squarely presented with the indefinite ownership question," said the subcommittee, chaired by Wyoming Attorney General Peter Michael.

Said the subcommittee, "In *Stearns v. Minnesota*, 179 U.S. 223 (1900) and *Light v. United States*, 220 U.S. 523 (1911), the Supreme Court explicitly stated that the United States may withhold public lands from sale indefinitely, but in both cases the statement about indefinite retention arguably was *dicta*."

The authors of the report intentionally did not address the legality of a claim by the State of Utah to 31 million acres of federal lands in the state. They said instead that each state's laws are different.

"The Subcommittee did not address whether a particular state's enabling act would legally require the federal government to transfer public lands to a state, as each state's enabling act and the circumstances surrounding the admission of individual states into the Union are unique," said the report. "The Subcommittee left that task of analysis to each member state."

Throughout the Obama years western states and western Congressmen with Republican ties have asserted claims to federal lands. They argue essentially that the federal government is crippling local economies by not allowing enough energy, mineral and timber development or enough grazing.

For instance, seven western House Republicans took to the House floor last month to object to the dimension of the federal estate in the West, and to object to any expansion thereof.

One of the seven, Rep. Paul A. Gosar (R-Ariz.), did prescribe a partial solution. He lauded a bill he has introduced (HR 5836) that would help dispose of lands BLM and the Forest Service are willing to dump.

The Gosar bill has not moved since it was introduced July 14.

As House subcommittee on Federal Lands Chairman Tom McClintock (R-Calif.) said, "But overarching all of these imperatives is the simple fact that excessive Federal land ownership in the West has become a stultifying drag on our economies and a direct impediment to our ability to take good care of our public lands."

Now comes the report of the Conference of Western Attorneys General that cautions western states about the legality of their claims to public lands. Eleven of the state attorneys general signed the report; only Nevada's Adam Laxalt did not.

The subcommittee attempted to respond to four questions: Does the property clause of the Constitution empower Congress to keep public lands in the federal domain? Does the Enclave Clause of the Constitution limit federal ownership? Does the equal footing doctrine prohibit federal land ownership? Do state enabling acts require divestiture of federal lands?

On the general subject of political equality, the report concludes, "Equality of sovereignty is an important constitutional principle that can help prevent federal intrusions upon the sovereignty and independence of the states. Court precedents, however, provide little support for the proposition that the principles of equal footing or equal sovereignty may compel transfer of public lands to the western states."

The Wilderness Society jumped on the report to argue that western states have little or no legal basis to claim federal lands.

Said Jeremy Garncarz, senior director for the society, "There is near unanimous agreement amongst attorneys representing the western states that the agenda of seizing America's shared forests, parks, refuges and other public lands has virtually no legal merit and is a waste of critical lawmakers' time and taxpayer dollars."

The report is available at:
<https://www.documentcloud.org/documents/3117841-CWAG-Public-Lands-Subcommittee-Report-PDF.html>.

UTAH SITUATION: On March 23, 2012, Utah Gov. Gary Herbert (R) signed a law (HB 148) that demands the transfer of most federal land in the state to Utah, about 31 million acres. The law exempts only national parks (save for portions of Glen Canyon National Recreation Area), national monuments and wilderness areas.

The law demanded transfer of those lands by Dec. 31, 2014, but no lands have been transferred yet. State officials say that deadline just began the transfer process.

Some 12.7 million acres of federal land in Utah are presently reserved for conservation purposes, including national parks, wilderness, wilderness study areas, wild and scenic rivers, and national monuments. In addition Congressional Democrats are pushing for the designation of 9.1 million acres of new wilderness, mostly from Bureau of Land Management lands.

As for the disposal of public lands in general the Republican Party platform adopted in July appears to be for it. "Congress shall immediately pass universal legislation providing for a timely and orderly mechanism requiring the federal government to convey certain federally controlled public lands to states," says the platform.

"We call upon all national and state leaders and representatives to exert their utmost power and influence to urge the transfer of those lands, identified in the review process, to all willing states for the benefit of the states and the nation as a whole."

But Democratic Presidential candidate Hillary Clinton is against it. "In recent years, special interest groups have been supporting efforts to dispose of or sell off America's public lands, which would privatize national forests, national monuments, and even national parks," says a campaign position paper.

"Clinton strongly opposes these proposals to sell off America's natural heritage."

NRPA says public would pay more in support of park, rec

A new poll from the National Recreation and Park Association (NRPA) reinforces a long-held notion in the field that the American people are willing to pay more money for their local parks.

In a report posted October 4 NRPA said that 74 percent of 1,000 Americans questioned were willing to support increased spending on local parks. Logically, those who visited parks most often were more willing to spend more money on parks - 85 percent - than those who didn't visit parks at all - 44 percent.

Politically, the breakdown between Democrats (81 percent for) and Republicans (69 percent for) was relatively close.

The *Americans' Engagement with Parks Survey* is the first of its kind from NRPA and follows up on a separate association report from earlier this year. That report, titled *Americans' Broad-Based Support for Local Recreation and Park Services*, concluded that people benefit from their parks.

NRPA President Barbara Tulipane said the new report provides fodder for park and rec advocates to campaign for more resources from the government.

"This new report confirms the fact that Americans value the services offered by their local park and recreation agencies," said Tulipane. "I encourage our members and advocates to use these results as a way to push for additional funding and resources in the communities they serve - doing so will make a positive impact on the lives of many supportive citizens."

For its survey NRPA put together 38 questions and asked Wakefield Research to submit the survey to a representative sample. Wakefield then conducted online

surveys of 1,000 adults who, NRPA said, accurately represented the American people.

NRPA summed up the results of its survey:

"* Americans on average visit their local park and recreation facilities approximately 29 times a year with millennials and parents frequenting parks the most.

"* Nine in 10 Americans agree that parks and recreation are important services delivered by their local government.

"* Three in four Americans agree that NRPA's three pillars of Conservation, Health and Wellness, and Social Equity represent what they see as priorities for their local park and recreation agency.

"* Seven in 10 Americans say they are more likely to vote for local politicians who make park and recreation funding a priority.

"* Three-quarters of Americans support increased local government spending for park and recreation agencies with solid support for a nearly 30 percent local government funding increase for parks and recreation."

The NRPA survey results are consistent with those from an analogous survey on the national parks conducted for the National Parks Conservation Association (NPCA) and released June 30. That survey said that even if Americans don't visit the national parks, they do place an extraordinarily high value on the National Park System. According to the NPCA survey, that value is \$92 billion.

The survey researchers say the disconnect between a \$92 billion valuation and an annual \$3 billion appropriation from Congress demands a reevaluation of how the parks are financed.

The NPCA report was prepared as part of a campaign by parks advocates to gain support for the National Park

System in the 2016 Centennial year. It differed from annual surveys of spending by Park Service economists of park visitors by surveying the broader American public for its feelings about the system.

Said NPS Director Jonathan B. Jarvis at a June 30 press conference, "This is different - and I want to make that distinction - this is really asking the American public how much they value the existence of the parks, whether they visit or not."

In the study researchers sent surveys to 4,000 Americans in 2013-2014 and in 2015. Eighteen percent of those surveyed responded.

The newer report from NRPA on support for local park and rec is available at: <http://www.nrpa.org/engagement/>. The NPCA report on national parks is available at: <http://www.nationalparks.org/npf/PDF/files/NPS-TEV-Report-2016.pdf>.

Rec advocates review rec data for now and for the future

A broad coalition of recreation interests met last month to assess where public and private entities stood on the generation of data on recreation activity.

The coalition of rec industry officials, government officials and researchers will continue to ask the federal government, i.e. the Department of Commerce, to factor recreation into their economic analyses henceforth.

"Economic data relating to outdoor recreation is a hot topic," said Derrick Crandall, president of the American Recreation Coalition and lead host to the Recreation Exchange meeting in the Rayburn House Office Building in Washington, D.C.

"Improving the data, better sharing of data and use of the data in decision-making unifies the public and private sectors of the \$650 billion per annum outdoor recreation community," he said.

Those recreation interests have asked appropriators to allocate \$3.5 million in fiscal year 2017 to set up an Outdoor Recreation Satellite Account (ORSA) in the Department of Commerce. Such an account would centralize the compilation of rec data nationally.

The department's Economic Development Assistance Program has recently established similar accounts for the arts, and for travel and tourism.

The Recreation Exchange meeting was timely because the interest groups in March asked appropriators to put up money for the appropriations initiative to identify economic data generated by recreation activity around the country.

The Senate Appropriations Committee April 21 approved a fiscal year 2017 appropriations bill (S 2837) that endorses the proposal. Like all spending bills S 2837 won't be completed until a lame-duck session of Congress beginning November 14.

Among the 22 signatories to a letter to the appropriators were the American Recreation Coalition, the National Recreation and Park Association, and the Corps Network.

Recreation data is now generated piecemeal by individual federal agencies and by industry, such as the Outdoor Industry Association (OIA). Most famously, OIA reported in 2012 that outdoor recreation is one of the nation's largest economic engines, producing \$646 billion in consumer spending each year. That trails only financial services/insurance and health care.

Meanwhile, individual agencies are doing their best to assemble and use data, said Crandall. "Right now, the interest is largely focused on its advocacy value," he said. "But at the Forest Service and other agencies, we are seeing that the data is a part of thinking about a new financial strategy that allows recreation programs on federal lands to benefit from growth in spending on recreation - a critical need as we consider likely Congressional

decisions on discretionary domestic in the years ahead."

At the Recreation Exchange attendees heard from OIA Government Affairs Manager Jessica Wahl, National Marine Manufacturers Association Grassroots Manager Michael Lewan, CHM Government Services Senior Vice President Margaret Bailey, recreation.gov Program Manager Rick DeLappe and from the Department of Interior Office of Policy Analysis head Ben Simon.

CHM's Bailey described to the attendees the complexity of putting together good data, from the collection of it from various sources including federal agencies and business partners to the quality of the data. She emphasized the importance of monitoring users to determine the pluses and minuses of their experiences.

"States do a lot of economic analyses, particularly the tourism offices," said Bailey, whose company specializes in partnering with public agencies and helping them apply private sector experience to their work. "The Outdoor Industry Association helps look at economic data as well."

Bailey concluded, "If you are making policy decisions in the absence of good data, you really aren't making good policy decisions. So I can't encourage you enough to understand how the pieces of the puzzle fit together."

Videos of the talks from Wahl, Lewan, Bailey, DeLappe and Simon are available at: <http://www.funoutdoors.com/RecExchange2016>.

Plan to develop oil and gas near Rockies draws critics

Backed by environmentalists, a county adjacent to Rocky Mountain National Park is opposing a proposal to lease federal land for oil and gas development near the park.

Grand County, Colo., told the Bureau of Land Management (BLM) it should not put up for sale next May 28,000 acres around the town of Granby.

The county did not single out possible impacts of development on Rocky Mountain National Park.

But the county did single out possible adverse impacts on recreation. Said the county commissioners in a September 6 letter to BLM, "The BLM should also take into consideration the growing impact present to public lands caused by increased recreation demand and rapidly expanding urban interface areas in Grand County, particularly for those parcels in and around Granby and Hot Sulphur Springs.

"Furthermore, the designated areas are located in places within Grand County that are vital to our summer, fall and winter recreation and tourist based economy and the commercial facilities and activities supporting such uses, resort ranches, outfitters, hunting and fishing, hiking and trail-running, OHV and mountain biking."

The letter summed up, "There is too much at stake in Grand County to permit this kind of high impact activity, especially without current information and evaluation of relevant issues, especially water quality."

The three county commissioners are E. Jane Tollet, chair; Kristen Manguso; and Merrit Linke. There is no oil and gas development in the county presently.

BLM concluded a public comment period September 7 on the tracts nominated for the sale scheduled for May 17, 2017. All told BLM has received nominations from oil and gas companies of 100,000 acres in tracts in Colorado for possible sale. Usually in the run up to such sales BLM, after analyzing public comments, excludes significant portions of nominated tracts.

BLM will prepare an environmental assessment on the impacts of the sale and take public comment on it until December 12.

Although the county didn't mention Rocky Mountain National Park, the environmental group WildEarth Guardians did. In an October 5 post to its members the environmentalists

said, "This is almost too crazy to believe, but right now, the oil and gas industry is demanding the right to frack our public lands right next to Rocky Mountain National Park." Frack is short for hydraulic fracturing.

WildEarth also said the proposed sale tracts are near the Colorado River. It said, "And this stretch of the Colorado? It happens to be so pristine, it's a designated gold medal fishery and a destination for river floaters and outdoor enthusiasts."

WildEarth Guardians and other national environmental groups have, with the support of a handful of Democratic senators and House members, mounted a vigorous campaign against any further leasing of federal coal, called Keep-it-in-the-Ground.

That campaign has persuaded several House and Senate Democrats to introduce legislation (S 2238, HR 4535) to ban new leasing on federal lands not only of coal, but also of oil, gas, oil shale and tar sands. The nation receives more than one-third of its fossil fuels from federal lands.

Rep. Jared Huffman (R-Calif.) introduced the House bill February 11 and on Nov. 4, 2015, seven Democratic senators introduced the Senate bill under lead sponsor Sen. Jeff Merkley (D-Ore.)

Rocky Mountain National Park is not the only National Park System unit dealing with an oil and gas development controversy. Big Cypress National Preserve on May 6 authorized oil and gas seismic testing in the preserve. The preserve said that exploration of 110 square miles of the preserve by Burnett Oil Co. would not cause significant environmental impacts. Private interests own subsurface oil and gas rights within the preserve and those rights were grandfathered when the federal government acquired the surface.

In July environmental groups, including the National Parks Conservation Association, filed a lawsuit in the U.S. District Court in mid-Florida that the seismic testing would

have significant impacts on Big Cypress.

PEER: Yellowstone cell phones spread to backcountry

An environmental group charged a fortnight ago that Yellowstone National Park has not kept its promise to concentrate cell phone coverage in developed areas.

The group, Public Employees for Environmental Responsibility (PEER), charged that the park has allowed communications companies to extend their sweep to the backcountry.

As proof, PEER released a map allegedly prepared by AT&T that shows coverage in substantial parts of the park.

"The electronic tendrils of civilization now penetrate the deepest reaches of America's wildest places," said PEER Executive Director Jeff Ruch. "The Park has taken no step to limit backcountry coverage. To the contrary, Yellowstone officials dissembled to mask these effects in discounting our repeated warnings."

A Yellowstone spokesman told *FPR* October 11 that dissemination of coverage to the backcountry was not the intent of a park plan, although it has happened. "While incidental coverage in the backcountry has occurred, it was not the intent of this plan, nor was it the intent of the park," he said. "Actual service areas are difficult to map due to the topography of Yellowstone."

The spokesman added, "Coverage maps provided by carriers are based on computer models and often include areas with poor coverage, giving the appearance of greater service than there actually is."

In 2009, Yellowstone issued a telecommunications plan that said, "(The preferred alternative) will allow cell phone access in all major developed areas while keeping to a minimum any spill over of service into the backcountry areas of the park."

The park added, "Cell phone coverage would not be promoted or available along park roads outside developed areas, or promoted or available in any of the backcountry. While it is possible for some of these areas to gain coverage due to spillover of the signal, it is not the intent of the alternative."

The park said that, subsequent to completion of the 2009 plan, it has taken several steps that allow telecommunications providers to target their coverage more precisely.

PEER said it solicited information about the breadth of the coverage of the 36 antennae NPS has approved in the park in a Freedom of Information request. The group said NPS initially denied the request as proprietary information, but that agency lawyers overruled NPS.

While groups like PEER discourage the siting of cell phone towers in parks and the concomitant spread of cell phone use therein, most researchers say younger people who are not regular park customers demand the use.

Congress may become involved with encouraging the siting of communications site rights-of-way in parks and in other federal lands. Two Democratic House members introduced legislation (HR 6099) last month that would transfer rental fees currently charged on telecommunications sites on federal lands to process applications for new sites. Reps. Jared Huffman (D-Calif.) and Anna Eshoo (D-Calif.) introduced the bill that would apply to both Interior Department agencies and the Forest Service.

In its fiscal year 2017 budget request the Interior Department requested a new \$2.5 million appropriation to expand bandwidth in the national parks. The House approved the allocation July 14 as part of its fiscal 2017 Interior and Related Agencies spending bill (HR 5538).

The Bureau of Land Management (BLM) does far more communications site right-of-way business than the Park service, with 73,895 nonenergy sites

that collected more than \$37 million in fiscal 2015. BLM uses a complex fee structure that tops out at more than \$70,000 per year for a television tower.

President signs temporary spending bill; battle ahead

President Obama signed into law September 29 (PL 114-223) an interim appropriations law that will keep the federal government in money through December 9.

That sets up a frantic lame-duck session of Congress beginning November 14. The House and Senate will have just three weeks to fashion full-year appropriations bills. Senate appropriators predict that that will be done in one, jumbo omnibus appropriations bill.

As we reported in the last issue of *FPR*, Democrats immediately began to put the pressure on Republican leadership, even though Democratic intransigence contributed to the delay in completion of the interim spending law.

Said Rep. Betty McCollum (D-Minn.), after Congressional leaders struck an agreement on interim spending, "When Congress returns in November, I hope Republican leadership will work with me and my Democratic colleagues to pass a full-year budget that puts the American people, not powerful special interests, first." She is the ranking minority member on the House subcommittee on Interior appropriations.

Freed of a controversy over water quality in Flint, Mich., Congress approved September 28 an interim, omnibus appropriations bill (HR 5325) that will keep the government in money

The breakthrough came the day before when Republican and Democratic House leaders agreed to put up Flint, Mich., water quality assistance in a separate bill - a Water Resources Development Act. Democrats had been insisting on inclusion of the money in the appropriations bill.

The Senate approved HR 5325, called a continuing resolution (CR), by a 72-to-26 vote on September 28 followed by a House vote of 342-to-85.

Completion of the interim appropriations bill could be called the Miracle on the Potomac because the House and Senate had been expected to go right down to a September 30 deadline to approve temporary funding for the first part of fiscal year 2017.

The two political parties were threatening to shut down the government over less than earth-shaking issues. In this instance \$220 million to help Flint, Mich., clean up its water.

But on September 27 Speaker of the House Paul Ryan (R-Wis.) and House Minority Leader Nancy Pelosi (D-Calif.) struck a deal to insert \$170 million for Flint water quality in the water resources bill. The House and Senate have each approved versions of the water resources bill and leaders from both parties committed to completing the measure - along with the Flint assistance - in the lame-duck session.

The interim spending law contains two significant park and rec provisions: It extends the Federal Lands Recreation Enhancement Act (FLREA) one year through Sept. 30, 2018, and it keeps an Eisenhower Memorial Commission going through December 9.

Senators first voted 55-to-45 September 27 not to take up HR 5325 because Democrats objected to the absence in the CR of money for Flint, Mich. But Senate Majority Leader Mitch McConnell (R-Ky.) said he was not giving up. "We will continue working on this important matter," he said.

But Senate Minority Leader Harry Reid (D-Nev.) was still pushing for the Flint assistance in the appropriations bill. "We don't need to have this manufactured crisis," he said. "We want to make sure that Flint has some degree of certainty that after two-and-a-half years they would get some help. We need to work together to keep our government properly funded and the people of Flint protected."

McConnell and Reid were then rescued by the Ryan-Pelosi Flint deal.

There are lots of obstacles ahead in the Senate and the House when they begin to write full-year fiscal 2017 appropriations bills in the lame-duck session this fall.

For park and recreation purposes the most important dispute is over a Democratic demand that Congress appropriate equal amounts of money for domestic and military spending.

The Republican majority would prefer to appropriate an extra \$18 billion for Defense spending, adding it to a National Defense Authorization Act. The Senate rejected that proposal in June, but it may reappear.

A spending agreement between the White House and Congress (PL 114-74 of Nov. 2, 2015) gave appropriators extra money to work with for all domestic and military programs in fiscal years 2016 and 2017. For fiscal 2017 the total is \$1.070 billion.

In another obstacle some House Republicans from the House Freedom Caucus want to cut \$30 billion off the top of the \$1.070 billion.

Finally, in still another dispute, members of the House Freedom Caucus would extend funding now at existing levels until early next year, or through March 2017. That would give Republican Presidential hopeful Donald Trump an opportunity to write his own ticket, assuming he is elected.

Like other domestic appropriations bills, an Interior and Related Agencies spending bill (HR 5538, S 3068) isn't going anywhere on its own. The House approved its version July 14 and the Senate Appropriations Committee approved its version June 16.

For fiscal 2017 the House Appropriations Committee used the overall budget agreement of November 2015 to establish a spending cap to an Interior 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 its bill.

The House approved its fiscal 2017 Interior bill (HR 5538) July 14 and the Senate Appropriations Committee approved its bill (S 3068) June 16. Both the House and the Senate committee packed their bills with amendments/riders that attack dozens of Obama administration conservation initiatives.

FLREA: In their fiscal 2017 appropriations bills the House and the Senate committee both would extend FLREA through Sept. 30, 2018, as does the CR. The underlying law was scheduled to expire on Sept. 30, 2017. 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. Section 133 in the CR.

Eisenhower Memorial Commission Extension: In their fiscal 2017 appropriations bills both the House and Senate committee would extend a Congressional ban on the spending of construction money on a Dwight D. Eisenhower Memorial on the Washington, D.C., Mall. Republican leaders on the House Natural Resources Committee and some Eisenhower family members object to the design of the proposed memorial.

In addition, the House 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.

The provision in the CR would keep the memorial commission in business and leave it to the appropriations bill to sort out construction money. The extension of the commission would only last through December 9. Section 134 in the CR.

If by some miracle Congress

actually passed an Interior appropriations bill, here are some of the recommended House and Senate committee appropriations:

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

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

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

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

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

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

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

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

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

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

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

Notes

FS begins new permit policy. Forest Service leaders met last month with the recreation establishment to lay out plans for making special use permits easier to obtain. In a meeting at an REI store in Denver agency officials described two major steps it is taking to expedite the 23,000 special use permits required for hunting and fishing outfitters, dude ranch owners, youth groups and so on. One step includes beefing up its permitting team. Another step calls for the investment of \$6 million for an online permitting system. Forest Service recreation director Joe Meade and assistant director Tinnelle Bustam briefed the attendees, according to the *Denver Post*. Secretary of Agriculture Tom Vilsack and Forest Service Chief Tom Tidwell announced the new special use policy June 17 that was developed over two years with outdoor industry partners and others. There is a catch

- the Forest Service recreation budget has been sapped by wildfire expenses, so it's not clear where the new money would come from. The agency said the appropriation for its recreation program is down 15 percent in recent years while wildfire appropriations have jumped from 16 percent of the Forest Service budget to 52 percent.

Report: Climate change hits parks.

Researchers in a new report say that climate change is delaying spring in 75 percent of national parks examined. The researchers, writing for the publication ECOSPHERE, say, "Many U.S. national parks are already at the extreme warm end of their historical temperature distributions. With rapidly warming conditions, park resource management will be enhanced by information on seasonality of climate that supports adjustments in the timing of activities such as treating invasive species, operating visitor facilities, and scheduling climate-related events (e.g., flower festivals and fall leaf-viewing)." For the study the researchers assessed historical temperatures for 276 of the 413 national park units from 1901 to 2012. Said Secretary of Interior Sally Jewell on announcing the report October 6 at Shenandoah National Park, "Using sound science as the basis of this report, we can see that climate change is already impacting our nation's national parks. Our challenge in real time is planning for and adapting to these changes - like the need to address increasing threats of invasive species, stresses on native species and changing visitor patterns driven by warmer weather." The researchers come from the National Park Service, the University of Arizona, Cornell University, the University of Wisconsin-Milwaukee and the U.S. Geological Society. The report, *Climate Change is Advancing Spring Onset Across the U.S. National Park System*, is available at: <http://onlinelibrary.wiley.com/doi/10.1002/ecs2.1465/full>

Senators ask wildfire money action.

Sens. Dianne Feinstein (D-Calif.) and Steve Daines (D-Mont.) teamed up October 4 to ask a House-Senate conference committee to change the federal approach to paying for emergency wildfires.

Feinstein and Daines recommended that the conferees on an omnibus energy bill (S 2012) should include in it legislation (S 235) they cosponsored that would transfer emergency wildfire costs to disaster spending. That would remove any costs above 70 percent of the recent average out of appropriations bills, as recommended by the Obama administration. The senators wrote, "(W)e urge you to include reforms in the final energy bill to enable the Forest Service to pay for fighting extraordinary wildfires similarly to how other agencies pay for disaster responses - through funding that is unconstrained by stringent spending caps. We believe this reform is critically needed and appropriate considering that natural conditions such as chronic drought unquestionably elevate the risk and severity of wildfires." According to various estimates, that provision could free up hundreds of millions of dollars for appropriations bills and end the practice of fire borrowing from other Forest Service programs. The issue is before the conferees because the House in its version of S 2012 included a provision to transfer emergency wildfire costs above the 100 percent average to disaster funding. The House originally approved that in a separate bill (HR 2647).

Idaho BLM bikes project panned.

The Bureau of Land Management (BLM) field office in Coeur d'Alene, Idaho, has proposed a combined hazardous fuels/mountain bike project that has aroused criticism from some of the local community. In the instant case BLM proposes to construct 15 miles of mountain bike trails in the Wallace L. Forest Conservation Area. But local horsemen say the mountain bikes would impact trails they use, endangering horseback riders. As Loretta Zabka asked the BLM, "Why would the BLM design special downhill mountain bike trails with (the International Mountain Biking Association) on current trails in use safely for horses and hikers; pushing the public access to all out?" BLM is taking comment on the proposal, <http://bit.ly/bluecreekbay>, through October 16 at BLM_ID_BlueCreekBay@blm.gov. In a related dispute, sportsmen are at odds with each other over

proposed legislation (S 3205) to open wilderness areas on public lands to off-road bicycles. S 3205, introduced by wilderness critics Sens. Mike Lee (R-Utah) and Orrin Hatch (R-Utah), would have federal land managers determine if wilderness trails should be opened to human-powered vehicles. The lead supporters of the bill who are party to the Sustainable Trails Coalition are mountain bike recreationists. Opposing the legislation is an association that represents hunters and fishermen, Backcountry Hunters & Anglers. The Senate has taken no action on the bill yet.

Bishop hits NPS on Effigy Mounds.

House Natural Resources Committee Chairman Rob Bishop (R-Utah) continues to pound the Interior Department and the Park Service over desecrations at the Effigy Mounds National Monument between 1999 and 2010. Most recently, Bishop on September 30 criticized an April report from the department and NPS on violations at Effigy of the National Historic Preservation Act and the National Environmental Policy Act. "The Committee's initial oversight efforts reveal the NPS's investigative response to be not only several years tardy, but deficient and haphazard in identifying core failures," Bishop said September 30. "Communications with the agency cast doubts on NPS leadership's commitment, thoroughness and objectivity in addressing this failure of public trust. I will continue to pursue this matter until the NPS is forthcoming with answers." The Park Service in an April 2016 action review noted damage to Native burial grounds over the 1999-2011 decade. Bishop said the park received \$3,368,704 in federal funds for 78 projects in the monument.

NPS honors David McCullough. The Park Service October 4 presented author and historian David McCullough with its highest civilian award - the Honorary National Park Range Award. McCullough received the Pulitzer Prize twice - for biographies of John Adams and Harry Truman. He also narrated two films produced by Ken Burns - *The Civil War* and *The Statue of Liberty*. Burns is a fellow honorary ranger. The McCullough award was presented on Boston Common

by NPS Northeast Regional Director Mike Calwell. Said Calwell, "Through his considerable and highly acclaimed work as an author and historian, Mr. McCullough has enlightened visitors to the shared history told at national park sites throughout the country."

Bob Barbee dies. One of the National Park Service's most respected employees - Bob Barbee - died October 2 at his home in Bozeman, Mont., at the age of 80. Barbee served as superintendent of Yellowstone National Park from 1981 to 1993. Among other things Barbee led the Park Service response to the 1988 Yellowstone Fires. He is survived by his wife Carol, three daughters and seven grandchildren. The Coalition to Protect America's National Parks said an event will be held in Yellowstone in May 2017 to celebrate Barbee's life at a date to be announced.

Boxscore of legislation

Fiscal year 2017 appropriations (until December 9)

HR 5325 (Graves). President Obama signed into law September 29 as PL 114-223. Extends funding at fiscal 2016 levels through December 9.

Fiscal year 2017 appropriations

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

Land and Water Conservation Fund

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

HR 1814 and S 1925 would guarantee the money each year. Simpson would change allocation to 40 percent federal, 40 percent state and related initiatives and 20 percent flexible.

Urban park fund

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

NPS Centennial

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

Federal land recreation fees

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

Emergency fire spending

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

Southern Utah Lands bill

HR 5780 (Bishop). House committee

approved September 22. Would sort out land uses for 18 million acres, provide some protection for Bears Ears. Democrats oppose.

Monument restrictions

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

Wetlands regulations

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

Surface transportation

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

Northern Rockies wilderness

HR 996 (Maloney). Maloney introduced February 13, 2015. Would designate 20 million acres of wilderness in five northern Rockies states.

Utah Red Rock wilderness

S 1375 (Durbin), HR 2430 (Lowenthal). Durbin and Lowenthal introduced May 19, 2015. Would designate nine million acres of wilderness in southern Utah.

California Desert monuments

S 414 (Feinstein), HR 3668 (Cook). Feinstein introduced February 9, 2015. Cook introduced October 16, 2015. Feinstein would protect more than 1.6 million acres of California Desert, including two national monuments. Cook would protect some of that land but also allow mining in a portion of it.

Bikes in wilderness

S 3205 (Lee). Lee introduced July 13. Would allow federal land managers to open wilderness areas to off-road bicycles.