

Federal Parks & Recreation

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Volume 34 Number 1, January 15, 2016

In this issue. . .

NPS Centennial opens on the run.

Sizeable appropriations boost, paired with recent visitation jumps, indicate a busy year. Hill still has work to do... Page 1

Oregon refuge protest has roots.

In long-standing campaigns to shift federal lands to states. Park and rec side targets... Page 3

Locals assess LWCF approps hike.

Anticipate doubling of each state's share. Combined with local match, it's a lot..... Page 6

Hopes up for hunt-fish bill soon.

Sportsmen eyeing prospects of House- and Senate-panel passed bills in the coming year.... Page 7

Vilsack hits Hill fire stance.

Objects to FY 2016 approps bill that does not treat emergency wildfire money as disaster... Page 8

Grand Canyon water may be boosted.

DoI proposes 20-year program of high-level dam releases..... Page 10

Agencies consider 2016 boosts.

All ships rose in approps bill, except Eisenhower memorial.. Page 11

New Big Cypress oil and gas plan.

Burnett Oil proposes exploration plan; enviros up in arms.... Page 13

House also would block wetland reg.

Joins Senate in passing resolution against. Veto promised..... Page 14

Notes..... Page 15

Conference calendar..... Page 16

NPS Centennial opens with funding and visitation boosts

Now that Congress has appropriated at least an additional \$100 million for the Park Service Centennial this year, the next step is deciding how to spend the money.

That may not be a major problem, particularly for maintenance projects, because the agency has long had a priority system in place. That is, the highest-rated projects on the agency's master list come first.

"We have a master list of all projects," said NPS spokesman Jeffrey Olson. "That master list sets priorities. If we have \$100, we do certain projects. If we have \$110, we move on to the next priority. Visitor and health protection receive the top priority."

Olson said NPS was still working on the specifics. "Our budget folks are working on the details . . .," he said. "They have a requirement in the appropriations report to provide this detail to the Hill. They're the first audience."

This year is, of course, the 100th anniversary of the National Park System. To spruce up the system the Obama administration requested from Congress new authorization for various programs of \$500 million, plus increased appropriations of \$326.3 million.

Appropriators gave the administration about one-third of that spending increase in a fiscal year 2016 spending law (PL 114-113 of December 18).

For the authorization half of the administration request House and Senate committees in 2015 laid the groundwork for new legislation. The proposal includes a Centennial Challenge Fund, a

Second Century Infrastructure Investment program and a competitive Public Lands Centennial Fund.

However, no legislation has begun to move in committee, although House Natural Resources Committee Chairman Rob Bishop (R-Utah) did introduce a stripped-down discussion draft bill late last year.

A fortnight ago NPS Director Jon Jarvis described for NPS employees some of the highlights of the new money appropriation. Most significantly, the law includes a \$94 million jump in Park Service operations just for the Centennial. But Jarvis also noted increases in other programs that at least tangentially affect the Centennial, such as a \$50 million increase in construction, a \$9 million increase for the Historic Preservation Fund, and an increase of \$74.7 million for the Land and water Conservation Fund.

Separately, in a multi-year surface transportation law (PL 114-94 of December 4) Congress approved a \$28 million increase in Park Service road construction, hiking it from \$240 million last year to \$268 million in fiscal 2016. Road construction contributes at least half of the \$11 billion maintenance backlog in the parks.

The Park Service told us that, as the Centennial approached last year, visitation to the parks was already on a steep incline. Unofficially, the service estimates 305.8 million visitors entered the parks in calendar 2015, a 4.5 percent increase over the 292.8 million in calendar 2014. Each year set new records.

NPS advises that the 2016 statistics, available at <https://irma.nps.gov/Stats/Reports/National>, are preliminary. "Parks are not required to have their December numbers recorded until (today, January 15) and it takes our visitation statistics office a month to verify and then certify official visitation figures," said spokesman Olson.

Not everyone is impressed with NPS's numbers. House subcommittee on Federal Lands Chairman Tom McClintock

(R-Calif.) at a December 2 hearing on the Park Service Centennial laid into NPS for not doing more to entice visitors into the parks. He said reported increases in total visitation are misleading because of a decline in people staying in concessioners' hotels, tents and RV campers.

McClintock said NPS policies too often reduce or eliminate attractions in parks. He singled out for criticism a proposed Yosemite National Park management plan of two years ago (McClintock represents the park) that he said would have eliminated bicycle and raft rentals, gift shops, snack bars, horseback riding facilities, swimming pools and an ice skating rink. The park eventually backed off on the removal of many of those facilities in a final plan.

But park defenders note that in the peak summer season national parks are already stuffed to the gills. For instance, Acadia National Park, a magnet for the high population cities in the northeast, had to close roads last summer. In gateway communities adjacent to parks around the country motels and tourist attractions are going up by the number.

As noted above, the appropriations law is but half of the battle in the campaign to improve the parks for 2016 and beyond. Congress has yet to act on the Obama administration's ambitious request of \$500 million in new authorizations.

Ranking House Natural Resources Committee Democrat Grijalva Raúl M. Grijalva (D-Ariz.) and ranking Senate Energy Committee Democrat Maria Cantwell (D-Wash.) have introduced the Park Service's recommendations as legislation (HR 3556, 2257).

Senate discussion: The Senate Energy Committee held a hearing December 8 on Cantwell's Centennial bill (S 2257), i.e. the administration proposal.

Committee chairman Lisa Murkowski (R-Alaska) was skeptical about where the money for S 2257 would come from. She also chairs the Senate subcommittee on Interior and Related Agencies Appropria-

tions. She said money from Congress is not the solution to fire funding.

Having said that Murkowski said she found promise in several programs in the administration bill, including philanthropic contributions, an endowment and visitor services partnerships.

Cantwell praised the administration bill as a starting point but acknowledged the difficulties in obtaining money from Congress.

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

Money in the last category would be available for other Interior Department land management agencies, as well as the Forest Service.

On the *appropriations* side the administration asked Congress to ante up an extra \$326.3 million over fiscal 2015 under existing authorities, as it recommended in a fiscal year 2016 budget request in February. That includes \$242.8 million more for deferred maintenance and \$40 million more for Centennial Challenge grants.

PL 114-113, the final spending law, increases Park Service operations for the Centennial by \$94 million, increases a Centennial Challenge from \$10 million to \$15 million, and increases spending for construction by \$54 million.

Bishop bill: On Nov. 30, 2015, Bishop published a draft bill (unnumbered) that is a streamlined version of the administration's recommendation. It does include a Centennial Challenge Fund but would not establish a federal match, relying strictly on donations.

The bill also would establish an endowment for the Park Service using donations and an increase in lodging fees of less than five percent. Again the

amount of money to be contained in the endowment is open-ended.

Other titles in the bill would include a (1) catch-all interpretation and education program that would work with park partners, (2) an intellectual property program that would allow NPS to sell the rights to reproductions of museum objects and (3) a \$25 million, one-to-one matching program for the National Park Foundation.

Ore. refuge protest started with federal land demands

The takeover of a wildlife refuge in Oregon by anti-government protestors - now in its second week - is fueled in part by a campaign in the West for the turnover of federal lands to state and local governments.

Thus far the campaign in states such as Utah and Nevada has focused on lands that have traditionally been used for consumptive uses, such as grazing, oil and gas drilling, mining and timber cutting. For the most part the advocates have exempted national parks and conservation areas.

But the takeover of the Malheur National Wildlife Refuge has put new focus on the land disposal issue, and state and Congressional attempts to carry out wholesale transfers of the federal estate. And those supposedly non-conservation, multiple use lands often provide significant hunting and fishing opportunities.

The proximate cause of the takeover of the Malheur refuge on January 2 was a court order sending public lands ranchers to prison for arson. That moved an ad hoc coalition of ranchers and anti-government protestors to occupy the refuge.

They responded to an order from the Ninth U.S. Circuit Court sending Dwight Hammond and his son Steven Hammond back to prison for two fires they admittedly set that burned public lands in 2001 and 2006. The Hammonds said they lit the fires to block invasive plants and to protect their private

property from wildfires.

The protestors, including Ammon Bundy, the son of public lands rancher Cliven Bundy in Nevada, contend the treatment of the Hammonds is typical of abusive treatment meted out by the Obama administration to public lands ranchers across the West. And they say Congress should dispose of much of the federal estate in the West. The occupiers are armed and they vow to stay there for the foreseeable future.

The occupation has turned into a national story, with major national newspapers featuring it on the front page and television networks leading with it.

The FBI has joined with local law enforcement officials to confront the protestors. Harney County Sheriff Dave Ward said, "A collective effort from multiple agencies is currently working on a solution. For the time being please stay away from that area. More information will be provided as it becomes available. Please maintain a peaceful and united front and allow us to work through this situation."

The refuge put out this statement, "The Fish and Wildlife Service is aware that an unknown number of armed individuals have broken into and occupied the Malheur National Wildlife Refuge facility near Burns, Oregon. While the situation is ongoing, the main concern is employee safety and we can confirm that no federal staff were in the building at the time of the initial incident. We will continue to monitor the situation for additional developments."

An attorney for the Hammonds, Alan Schroeder, told us that his clients are not involved with the protest. In fact he said they would go to prison, albeit unwillingly. The Hammonds did indeed report to prison January 4.

In the legal issue at hand Congress mandates a five-year prison sentence for anyone convicted of arson on the public lands. However, U.S. District Court Judge Michael R. Hogan had held that in this case the Eighth Amendment to the U.S. Constitution prohibit-

ing cruel and unusual punishment overrides that mandate. He then sent Hammond junior to prison for 12 months and a day and Hammond senior to prison for three months.

Hogan issued his sentence after the Hammonds admitted culpability in a plea agreement. The Hammonds' attorney Schroeder in turn argued that the plea agreement required that the government accept Hogan's sentence.

But the appeals court said, "In its sentencing memorandum and at sentencing, the government argued that the trial judge lacked discretion to deviate from the statutory minimum. The government thus preserved its objection, and we may hear its appeal."

The appeals court concluded, "Because the district court erred by sentencing the Hammonds to terms of imprisonment less than the statutory minimum, we vacate the sentences and remand for resentencing in compliance with the law."

Underlying the protest in the Malheur refuge is decades of rebellion in the West by users of the public lands against federal land managers. Live-stock permittees are particularly upset about reductions in grazing rights, which land managers say are necessary to protect the environment.

Congress has been listening to the protests and in March 2015 both the House and Senate adopted positions endorsing the disposal of federal lands to state and local governments.

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

But with Republicans in control of both the House and Senate and with western states demanding the transfer of millions of acres of federal lands to them, the chances of Congress approving

such legislation are increased.

The Senate approved a lead amendment from Senate Energy Committee Chairman Lisa Murkowski (R-Alaska) March 27, 2015, in a close 51-to-49 vote that favors disposal of the federal estate through sale, transfer or exchange to state and local governments.

Murkowski said that the amendment is advisory. "So nothing in the language that we have included in this amendment actually sells, transfers or exchanges a specifically identified piece of property," she said. "Any legislation enabled by this spending-neutral reserve fund will have to go through the process and be voted either up or down in regular order."

The Senate amendment excludes from disposal national parks, national preserves and national monuments.

In a separate Congressional initiative Utah Rep. Chris Stewart (R) and House Natural Resources Committee Chairman Rob Bishop (R) last year established a Congressional team to study possible disposal of federal lands. The Federal Land Action Group, said Bishop, "will explore legal and historical background in order to determine the best congressional action needed to return these lands back to the rightful owners. We have assembled a strong team of lawmakers, and I look forward to formulating a plan that reminds the federal government it should leave the job of land management to those who know best."

Although some Republicans have been relatively quiet on the Malheur occupation, not all have. For instance, *The Washington Post* said Rep. Raúl Labrador (R-Idaho) at a January 6 press conference was somewhat supportive of the occupiers. The *Post* quoted Labrador, "You have just a frustration that they feel the federal government is not listening to them anymore, and that's what leads to what so far has been a peaceful takeover - of an abandoned building, by the way - and the media, I think, is so quick to sort of cast aspersions on that group of people."

Ranking House Natural Resources

Committee Democrat Raúl M. Grijalva (D-Ariz.) objected to the occupation. He introduced a resolution (H Res 575) January 5 condemning it. "This is not a romantic instance of Western self-reliance or an excusable moment of heated rhetoric," Grijalva said. "This is armed occupation of public property by people who have threatened deadly force. No one should play the game of publicly wringing their hands at these criminals' tactics even as they cheer on their 'message,' least of all Congress."

Sportsmen objected to the occupation. "National wildlife refuges like Malheur are a treasure shared by all Americans," said Backcountry Hunters & Anglers President Land Tawney. "The actions being perpetrated by extremists in Oregon are the misguided actions of a fringe element - and should be condemned by sportsmen and all citizens in the strongest terms."

But the American Land Rights Association, which advocates for private property, sided with the Hammonds, if not the protestors. The association is particularly upset because the U.S. Attorney in Oregon used a terrorism law to demand the five-year sentence for the Hammonds.

The association warned in a bulletin to its members, "The BLM could use this law against any rancher, farmer or landowner near Federal land," said the association. "In this case the BLM is using this law in an unjust way to gain control and ownership of the Hammond Ranch in Southeast Oregon."

The State of Utah has led the West in the demand for disposal of public lands. On March 23, 2012, Gov. Gary Herbert (R-Utah) signed the Transfer of Public Lands Act, HB 148. It demands the transfer of more than 31 million acres of federal land, excepting only national parks (save for portions of Glen Canyon National Recreation Area), national monuments and wilderness areas.

Although the law said the transfers were to begin on Jan. 1, 2015, none have taken place yet. Herbert's office told us that that date just set the starting point and that the Utah Public

Land Stewardship Commission is developing recommendations on the process.

Locals ponder how to spend fiscal 2016 LWCF increases

State and local governments are evaluating the meaning of a doubling in the fiscal year 2016 appropriation for the state side of the Land and Water Conservation Fund (LWCF).

The underlying law divides most of the \$110 million up by formula with two-fifths apportioned equally to each state and three-fifths apportioned by population/need.

The bottom line, says the National Recreation and Park Association (NRPA), is a doubling of each state's allocation.

"The FY 2016 increase to \$110 million will give most states nearly twice as much money to fund the close-to-home projects that are critical components of this visionary law," said Kevin O'Hara, vice president of urban and government affairs for NRPA.

For instance in fiscal 2015 the State of California received the most money of any one state from the appropriation, just over \$3.5 million. For fiscal 2016 the state would be in line for more than \$7 million. At the other end of the scale Vermont received \$366,596 in fiscal 2015 and would now be in line for more than \$730,000.

And, of course, these are 50-50 federal-state matching grants, so California will have more than \$14 million for conservation purposes related to LWCF and Vermont almost \$1.5 million.

Even with the appropriations hike NRPA's O'Hara said his organization is working to secure full funding and permanence for LWCF. Although Congress increased the ante for both the federal and state sides of LWCF, it did not extend the program permanently, as conservationists and the Obama administration requested. The bill extends the program just for the next three years, and continues to subject annual allocations to

the whims of appropriators.

So O'Hara, after acknowledging the appropriations hike, added, "That said, we look forward to working with Congress to ensure that this law is permanently authorized and fully funded, and that the allocation for state assistance continues to grow. The one-quarter portion of the \$450 million dedicated to the states in FY 2016 will do GREAT (his emphasis) things for state and local conservation and recreation projects. But, imagine what we could do with a minimum of 40 percent of a fully funded \$900 million."

Although the state side of LWCF received the largest increase from the fiscal 2016 appropriations law (PL 113-114 of December 18) Congress also approved a \$56.6 million increase for federal land acquisition over fiscal 2015. For the most part Congress specifies allocations to acquire individual federal sites.

Appropriators broke down the state assistance into three components - \$94,839,000 for formula grants, \$12 million for competitive grants and \$3,161,000 for administrative management.

Under the competitive grants initiative states solicit applications for the money, score and rank them, and submit the recommendations to the Park Service.

As for the reauthorization of the underlying program a half-dozen bills have been introduced in the House and Senate, most straight-up permanent extensions. In the Senate they include S 338 from Sen. Richard Burr (R-N.C.), S 890 from Sen. Maria Cantwell (D-Wash.), S 1925 from Sen. Martin Heinrich (D-N.M.) and S 2165 from Cantwell.

In addition on Nov. 19, 2015, Sen. John Barrasso (R-Wyo.) introduced a bill (S 2318) to extend LWCF for 10 years. He would rejigger the formula by directing appropriators to put up 60 percent for states and 40 percent for federal land buys.

The House has not been as active

as the Senate. Two bills to reauthorize LWCF have been introduced, one from ranking House Natural Resources Committee Democrat Raúl M. Grijalva (D-Ariz.), HR 1814, and one from Rep. Mike Simpson (R-Idaho), HR 4151. And in mid-November House Natural Resources Committee Chairman Rob Bishop (R-Utah) introduced a discussion draft bill. Bishop's committee held a hearing on the issue Nov. 18, 2015.

The final appropriations provision referees an ongoing dispute between western Republicans and conservationists. The western Republicans say Congress has emphasized federal acquisition at the expense of the state program, which is more popular with the public.

The Bishop bill: The draft would extend LWCF for seven years with an authorization of \$900 million per year, leaving it up to appropriators to decide how much of the \$900 million to set aside each year for LWCF. But the bill would require appropriators to follow these nine percentage allocations therein:

- * 45 percent - stateside of LWCF
- * 5 percent - urban fund
- * 3.5 percent - federal land acquisition
- * 3.5 percent - deferred federal land maintenance
- * 3.5 percent - Forest Legacy (Forest Service)
- * 3.5 percent - Endangered Species Act fund
- * 1 percent - battlefield acquisition
- * 20 percent - offshore energy development
- * 15 percent - payments-in-lieu of taxes

Senate LWCF bill: A provision added to a Senate Energy Committee-passed sportsmen's bill (S 556) would allot 40 percent of the total LWCF appropriation per year for federal land acquisition and at least 1.5 percent per year (or more than \$10 million) for access to federal land for recreational purposes. It would also require expenditure of at least 40 percent of annual LWCF appropriations for a combination of state LWCF grants, Forest Legacy grants, en-

dangered species grants and an American Battlefield Protection Program. The committee approved the bill Nov. 19, 2015. (See following article.)

Fiscal 2016 LWCF appropriation: In addition to the program reauthorization PL 114-113 makes these allocations:

LWCF FEDERAL: The law includes \$234.2 million for the traditional federal land acquisition side of LWCF. That represents a \$56.6 million increase from a fiscal 2015 appropriation of \$177.6.

By agency the Bureau of Land Management will receive \$38.6 million compared to \$20 million in fiscal 2015; the Fish and Wildlife Service will receive \$68.5 million compared to \$47.5 million; the Park Service will receive \$63.7 million compared to \$51 million; and the Forest Service will receive \$63.4 million compared to \$47.5 million.

LWCF STATE: HR 2029 appropriates \$110 million, compared to \$48 million in fiscal 2015.

Sportsmen hope 2016 is year for omnibus hunt-fish bill

Most Democrats and Republicans in Congress support in one fashion or another omnibus legislation to encourage hunting and fishing on and off the public lands.

As they have for the last four years. But the legislation also gets derailed over other issues such as gun rights and the renewal of the Land and Water Conservation Fund (LWCF).

So, will 2016 be any different? Sportsmen hope so in that a LWCF reauthorization dispute was kind of taken off the table last month when the program was extended for three years in a fiscal year 2016 appropriations bill. (See previous article.)

"We're eager to see this legislation move forward and empower our federal land managers to make these assurances for the next generation of sportsmen and women," said Theodore Roosevelt

Conservation Partnership President Whit Fosburgh.

Among the popular provisions in various packages of sportsmen's initiatives are proposals to declare federal lands managed by the Bureau of Land Management and the Forest Service open to hunting and fishing unless specifically closed; reauthorize the Federal Land Transaction Facilitation Act (FLTFA), which transfers money from federal lands sales to the acquisition of conservation lands; and set aside at least 1.5 percent of annual LWCF money to secure access to public lands for hunting, fishing and other recreational uses.

However, when a wildly popular sportsmen's bill came to the Senate floor on July 10, 2014, it failed when it became caught up in the political crossfire between Democrats and Republicans in an election year.

The proximate cause of defeat was the refusal of then Senate Majority Leader Harry Reid (D-Nev.) to allow any of 80 amendments to come to the floor. Reid said many of those amendments, such as gun rights, were designed to force Democrats to vote on controversial issues. He said Republicans were willing to sacrifice the bill for political gain.

Gun rights issues are still ripe, in spite of or because of President Obama's recent campaign to regulate guns. The disputed provisions would bar limitations on the use of lead in ammunition components and fishing tackle, encourage target practice on public lands, authorize visitors to Corps of Engineers recreation areas to bear arms, and so on.

Here's where the House and Senate stand right now:

HOUSE NATURAL RESOURCES COMMITTEE: The House committee Oct. 8, 2015, approved legislation (HR 2406) by a vote of 21-to-15 that includes provisions that would declare BLM and Forest Service lands open to hunting and fishing and recreation unless specifically closed; reauthorize FLTFA; encourage the expansion of target ranges on BLM and Forest Service land; expand the right

to bear arm on federal lands in several ways; bar the regulation of lead in ammunition; and increase opportunities for film crew permits in the national parks and on public lands.

The measure does not include a popular provision to allocate 1.5 percent of LWCF money to expand access to public lands for hunting and fishing.

Committee Democrats opposed HR 2406, saying in a committee report that "the bill includes several unrelated and harmful titles dealing with importation of polar bear trophies, hunting birds using bait, use of fire arms at Army Corps of Engineers facilities, and toxic substances contained in ammunition and fishing tackle."

SENATE ENERGY COMMITTEE: The Senate Energy Committee Nov. 19, 2015, approved legislation (S 556) of its own that includes direction to federal land managers to keep public lands open to sportsmen unless officially closed; to reduce restrictions on commercial filming in national parks; to improve access to "high priority" federal lands where hunting, fishing and outdoor recreation are permitted. It also includes the FLTFA reauthorization and the LWCF reauthorization.

The Senate bill contains few of the contentious House committee provisions. Only Sen. Mike Lee (R-Utah) opposed the bill in committee.

Complicating the situation in the Senate is a bifurcated committee structure where the Senate Energy Committee shares oversight of hunting and fishing programs with the Senate Environment and Public Works Committee.

Vilsack objects to fire appropriation, despite big hike

Buoyed by an extra \$1.7 billion in a fiscal year 2016 public lands appropriations bill, Congressional leaders agreed last month to appropriate enough money to cover any unusual wildfire expenses next summer, they hope.

The appropriators put up a total

of \$4.2 billion for wildfire fighting for the next fire season, including \$593 million in the event of a catastrophic season, i.e. one that exceeds the 10-year average.

However, appropriators did not include in the law (PL 114-113 of December 18) a recommendation from the Obama administration and western Congressmen that emergency wildfire costs above the average be transferred to disaster spending. Nor did they include new authority for hazardous fuels timber sales, as a House-passed bill (HR 2647) would do.

Vilsack not pleased: Secretary of Agriculture Tom Vilsack objected fiercely to the absence in the final bill of the administration's recommendation for the transfer of above-average emergency fire-fighting costs to disaster spending. He said he would no longer borrow money from other programs when wildfire expenses exceeded appropriations.

"I will not authorize transfers from restoration and resilience funding," he told House and Senate appropriators December 17. "The American public can no longer afford delays to forest restoration and other critical Forest Service activities caused by annual fire transfers. If the amount Congress appropriated in FY 2016 is not sufficient to cover fire suppression costs, Congress will need to appropriate additional funding on an emergency basis."

Vilsack aide Matt Herrick told us, "We reached two grim milestones (in December). First, it is the costliest wildfire season on record, with the U.S. Forest Service having spent more than \$1.7 billion to battle the blazes. Second, we have gone another year without Congress fixing the Forest Service's broken budget that causes massive 'fire borrowing' from other accounts to fight fire at the expense of restoration, trail work, watershed planning, and more."

Vilsack released numbers January 6 that demonstrated that the 2015 fire season set a record for acreage burned. He said 10,125,149 acres of public and nonpublic land was charred. The previous high was 9,873,745 acres in 2006.

And he said there were more than 50 fires that burned more than 50,000 acres each.

The secretary noted that the Forest Service has to help fight fires on both federal and nonfederal land, stretching its budget over its limit. In just one week last year he said the Forest Service spent a record \$243 million on fire suppression.

Ranking House Natural Resources Committee Democrat Raúl Grijalva (D-Ariz.) also criticized House and Senate conferees for not including in the appropriations bill the proposal to shift some wildfire money to disaster spending.

"The Forest Service is facing a desperate shortage of wildfire funding and California is in the midst of an unprecedented drought," he said. "These aren't details to be worked out later - they're day-to-day emergencies that will only get worse the longer we ignore them. Republican gamesmanship and hostage-taking resulted in these issues getting dropped from this deal."

The Wilderness Society agreed, "Congress has failed to fix the major fire funding problem that threatens our communities and puts lives in danger every summer," said Scott Brennan, acting director of forest landscape conservation and Montana State Director for The Wilderness Society."

But Senate Energy Committee Chairman Lisa Murkowski (R-Alaska), who assumed ownership of the appropriations bill provision, said the administration proposal to shift fire funding out of appropriations was fatally flawed. "I believe the administration's proposal could set a bad precedent, prove unworkable, and fall short of its own goals," said Murkowski, who also chairs the Senate subcommittee on Interior and Related Agencies appropriations.

"It was supposed to be coupled with a set of productive forest management reforms, but does not do enough to help our firefighters or our vulnerable communities," she said. "It has not been fully vetted, and it has already drawn opposition from outside groups whose members are on the ground, actu-

ally fighting fires.”

Murkowski said the appropriations law would take care of fiscal 2016. “The omnibus is our path forward on wild-fire funding for this year. It devotes greater resources to fire prevention and hazardous fuels reduction. It contains real money, not an empty account, those funds will be available immediately, and we can use the window it provides to develop long-term solutions,” she said.

The wildfire money is included in the omnibus appropriations bill that includes 11 separate appropriations bills, including an Interior and Related Agencies measure.

The spending increases were made possible by a Nov. 2, 2015, budget agreement (PL 114-74) that gave appropriators an extra \$20 billion to work with for all domestic programs. The appropriators translated that into an extra \$2 billion for a lead park and rec bill coming out of the House Interior and Related Agencies subcommittee and \$2.2 billion more than the counterpart Senate subcommittee previously was assigned.

Wildfire money: Congress approved \$4.2 billion for wildfire programs. For routine wildfire programs they approved \$2.386 billion for the Forest Service and \$817 million for the Interior Department.

For an emergency FLAME account Congress approved \$823 million for the Forest Service and \$177 million for the Interior Department.

DoI seeks long-term high flows of Grand Canyon waters

The Interior Department last week laid out a program to continue for the next 20 years massive water releases to restore Grand Canyon National Park to a more natural ecological state.

The draft EIS, posted jointly by the Park Service and the Bureau of Reclamation, would extend an existing program consisting of high releases from Glen Canyon Dam. Those releases help

build up sandbars along the Colorado River through the park by approximating historic flows from storms.

Over the last two decades Interior has conducted six high-flow events – in 1996, 2004, 2008, 2012, 2013 and 2014. Now the department wants to extend those events for another 20 years.

“This is a major step toward enhancing our stewardship of the waters of the Colorado River,” said Bureau of Reclamation Commissioner Estevan López. “Now is the time for the public to make their voices heard. Public participation is an integral part of this planning process and the successful management of the dam for the future.”

The agencies say the program would make minimal changes in an existing Glen Canyon Dam Adaptive Management Program that was adopted in 1996. “The preferred alternative (Alternative D) would have the same maximum and minimum flows as MLFF (modified low fluctuating flow), a more even monthly pattern of releases than has occurred under MLFF, and relatively comparable fluctuation levels to those under MLFF. These differences in release patterns are expected to have relatively minor effects on lake elevations,” the agencies said.

The National Parks Conservation Association (NPCA) said the proposal is promising, subject to further study. “While we acknowledge that it is impossible to replicate natural river system conditions under the constraints presented by Glen Canyon Dam, we anticipate that the preferred alternative identified in the draft (plan) includes several strong measures to benefit the Colorado River system inside the Grand Canyon,” said David Nimkin, Southwest Senior Regional Director for NPCA.

The agencies assessed impacts in these areas:

RECREATION: Impacts considered. “Effects on recreation were considered in the LTEMP DEIS,” says the plan. “Scientific information, mathematical modeling, and public input were considered. Recreational considerations focused on fishing, rafting, and camping/

beach use along the Colorado River; hiking and wilderness experience; and both use and non-use recreation values."

HYDROELECTRIC POWER: Possible adverse impacts. "This analysis determined that there would be some difference among alternatives in the value of hydropower generation and capacity because of differences among alternatives in the seasonal timing of power-plant releases, within-day fluctuation levels, and experimental releases that bypass the power turbines," says the plan. "There are a number of factors that could affect hydropower production at Glen Canyon Dam that are not connected to the LTEMP process including maintenance schedules, lake level elevation changes from drought or climate change, and power demand."

WATER AVAILABILITY FOR COMMUNITIES: Minimal impact. "The plan will not affect the amount of water that would be available annually for communities and agriculture," say the agencies. "However, potential changes to the timing of the water flow between Lake Powell and Lake Mead were considered and evaluated. Nothing in this process will affect water allocation among the Basin States or the Secretary of Interior's responsibility for water deliveries."

Agencies evaluating increased fiscal 2016 appropriations

The fiscal year 2016 appropriations law that was enacted December 18 (PL 114-113) allocated significant spending increases to almost all park and rec programs.

Federal and state officials are now figuring out how to spend that money for the Land and Water Conservation Fund (LWCF), the Park Service Centennial and other programs.

Perhaps the only loser was a proposed memorial to former President Dwight D. Eisenhower in Washington, D.C. House and Senate appropriators refused to put up any of the \$68.2 million the Obama administration has requested to build the memorial. Congress did ap-

propriate \$1 million for the Dwight D. Eisenhower Memorial Commission to stay in business.

Also losing out were a host of controversial riders from the Interior and Related Agencies portion of the final bill. Congress rejected a proposal floated in the House to forbid the display of Confederate flags at federal cemeteries. They did modify and retain one rider involving glass bottles in the National Park System.

The spending increases were made possible by a Nov. 2, 2015, budget agreement (PL 114-74) that gave appropriators an extra \$20 billion to work with for all domestic programs. The appropriators translated that into an extra \$2 billion for a lead park and rec bill coming out of the House Interior and Related Agencies subcommittee and \$2.2 billion more than the counterpart Senate subcommittee previously was assigned.

That increased the Interior portion of the omnibus spending bill to \$32.2 billion, compared to the \$30.170 billion the House Appropriations Committee had been working with and the \$30.010 billion set by the Senate Appropriations Committee.

The November 2 budget agreement also set spending caps for fiscal 2017. For domestic programs it anticipates virtually flat funding. That is, for fiscal 2016 the agreement set a cap of \$518.491 billion; for fiscal 2017 the cap is \$518.531 billion, or \$40 million more.

As we reported in the last issue of *FPR*, the omnibus spending law extends the underlying authorization for LWCF and addresses escalating wildfire costs. It also antes up well over \$100 million in extra money for the Park Service Centennial.

LWCF went three-for-four in the House-Senate conference agreement on HR 2029, with the state side program the big winner. First, Congress extended the underlying law as is for three years. Second, it put up \$110 million for state side grants, more than twice

as much as in current years. Third, it approved a \$56.6 million increase for federal acquisitions over fiscal 2015.

But in the fourth area, the appropriators did not extend the program permanently, as conservationists requested, just for the three years. (See related article page 6.)

The appropriators put up a total of \$4.2 billion for wildfire programs for the next fire season, including \$593 million in the event of a catastrophic season, i.e. one that exceeds the 10-year average.

However, appropriators did not include in PL 114-113 a recommendation from the Obama administration and western Congressmen that emergency wildfire costs above the average be transferred to disaster spending. On the other hand they also did not include new authority for hazardous fuels timber sales, as a House-passed bill (HR 2647) backed mostly by Republicans would do.

The administration proposal would have (1) ended the practice of fire borrowing from line operations to pay wildfire costs and (2) freed up several hundred million dollars per year in appropriations bills for other expenses. (See related article page 8.)

For the Park Service Centennial the appropriators' recommendation of \$100 million-plus falls far short of the Obama administration request of an extra \$326.3 million, but it is a significant increase over fiscal 2015. (See related article first page.)

In addition to wildfire funding the Interior bill was coping with a second "X" factor, an appropriation for the payments-in-lieu of taxes (PILT) program, which had customarily been financed outside appropriations bills. This time Congressional leaders decided to pay the \$452 million from PILT out of the appropriations bill, decreasing the amount of money available for other programs.

So between them, emergency wildfire funding and PILT ate up \$1.045 billion of the roughly \$2 billion extra in the bill.

Some numbers: Here are some numbers in the fiscal 2016 law, compared to fiscal 2015:

LWCF FEDERAL: In addition to extending LWCF PL 114-113 includes \$234.2 million for the traditional federal land acquisition side of LWCF. That represents a \$56.6 million increase from a fiscal 2015 appropriation of \$177.6. By agency the Bureau of Land Management (BLM) will receive \$38.6 million compared to \$20 million in fiscal 2015; the Fish and Wildlife Service will receive \$68.5 million compared to \$47.5 million; the Park Service will receive \$63.7 million compared to \$51 million; and the Forest Service will receive \$63.4 million compared to \$47.5 million.

LWCF STATE: The bill appropriates \$110 million, compared to \$48 million in fiscal 2015.

PARK SERVICE OPERATIONS: The bill appropriates \$2.396 billion, compared to a fiscal 2015 appropriation of \$2.276 billion.

PARK SERVICE CONSTRUCTION: The bill includes \$192.5 million, compared to a fiscal 2015 appropriation of \$138.3 million.

PARK SERVICE HISTORIC PRESERVATION: The bill includes \$65.4 million, compared to a fiscal 2015 appropriation of \$56.4 million.

PARK SERVICE RECREATION AND PRESERVATION: The bill includes \$62.6 million, compared to a fiscal 2015 appropriation of \$63.1 million.

PARK SERVICE HERITAGE GRANTS: The bill includes \$19.8 million, compared to a fiscal 2015 appropriation of \$20.4 million.

PARK SERVICE CENTENNIAL: Within the various Park Service line items the bill would allocate at least \$100 million over fiscal 2015 for the Park Service Centennial. But that is more than \$200 million short of the \$326.3 million requested by the administration.

STATE WILDLIFE CONSERVATION GRANTS: The bill includes \$60.6 million,

compared to a fiscal 2015 appropriation of \$58.7 million.

NATIONAL FOREST SYSTEM: The bill includes \$1.509 billion, compared to a fiscal 2015 appropriation of \$1.494 billion.

NATIONAL FOREST RECREATION: The bill includes \$261.7 million, compared to a fiscal 2015 appropriation of \$255.9 million.

FOREST SERVICE TRAILS: The bill includes \$77.5 million, the same as a fiscal 2015 appropriation.

BLM RESOURCE MANAGEMENT: The bill includes \$1.073 billion, compared to a fiscal 2015 appropriation of \$952.7 million.

BLM RECREATION MANAGEMENT: The bill includes \$69.5 million, compared to a fiscal 2015 appropriation of \$67 million.

NATIONAL LANDSCAPE CONSERVATION SYSTEM: The conferees approved \$36.9 million compared to a fiscal 2015 appropriation of \$31.8 million.

Bottled water rider: The final law modified substantially a House Appropriations Committee amendment from Rep. Keith Rothfus (R-Pa.) that would not have let any National Park System units ban bottled water within the parks. The final bill directs the Park Service to report on the data backing decisions by 19 parks to ban the sale of bottled water. The amendment addresses a 2010 controversy that erupted when Grand Canyon National Park attempted to ban water bottles, to the dismay of beverage companies and the applause of conservationists.

Proposal hit for new oil and gas testing in Big Cypress

A coalition of Florida and national environmental groups is asking the Park Service to reject an oil and gas seismic test in the Big Cypress National Preserve.

The Park Service said in a Novem-

ber 2015 environmental assessment that its preferred alternative is to allow seismic exploration by Burnett Oil Company, Inc. on 110 square miles of the preserve.

The company holds subsurface oil and gas rights under Park Service lands that were grandfathered when the preserve was established 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 coalition of environmental groups in an 87-page response to NPS's environmental assessment says the Park Service should reject outright the proposal. Presumably, that would require Congress to purchase the subsurface mineral rights.

But at any rate the groups, including the National Parks Conservation Association (NPCA) and the South Florida Wildlands Association, say NPS should reject the proposal.

"We urge (NPS) to reject Burnett's proposed plan of operations," the groups jointly wrote the Park Service. "If NPS nonetheless decides to allow the proposed action to go forward, the agency must prepare a full (EIS) for all phases of exploration because the proposed action constitutes a major federal action under the National Environmental Policy Act."

The groups suggest 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.

Said NPS, "If there is an interest from the private property owner or a lessee to develop the potential oil and gas resource, a new POP defining how the activity would occur would be submitted to the NPS. The NPS would develop an EA identifying potential impacts related to that POP and both documents would be made available for public review and comment."

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.

"Testing of this size and magnitude is unprecedented in Big Cypress, or really in any national park," said John Adornato III, NPCA's Sun Coast Regional Director. "Seismic testing and oil drilling would not just harm the endangered species that live in the preserve, but it would also threaten this important recreational destination enjoyed by 1.2 million visitors each year."

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.

"Environmental stewardship is a foundational principal for Burnett Oil. For over 100 years the Burnett family has owned and managed ranch lands in Texas," the company says at its website. "It is from this perspective that Burnett understands the importance of conservation and recognizes the wide ranging benefits derived from sound environmental practices and procedures. This is why Burnett is conscientious about

protecting the environment while conducting operations."

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>.

House also approves rejection of EPA and Corps wetland rule

The House January 13 joined the Senate in approving a resolution that would prevent EPA from implementing regulations that expand the kinds of water bodies requiring wetlands protection permits. The House vote was 253-to-166.

Although the legislation is in the form of a resolution (SJ Res 22), it would have the power to direct the President to withdraw the regulations. However, the Office of Management and Budget (OMB) threatened a veto.

Said OMB in a Statement of Administration Policy, "The agencies' rulemaking, grounded in Science and the law, is essential to ensure clean water for future generations, and is responsive to calls for rulemaking from the Congress, industry, and community stakeholders as well as decisions of the U.S. Supreme Court. The final rule has been through an extensive public engagement process."

Besides, the Senate vote of Nov. 4, 2015, was close enough (53-to-44) to almost guarantee that a Presidential veto would stick.

The House vote represents about the 14th round in a 15 round heavyweight fight over the proposed rule published by EPA and the Corps of Engineers on May 27, 2015. It would expand the definition of a wetland subject to a Section 404

permit under the Clean Water Act.

Two federal courts have already ruled against EPA and the Corps, preventing implementation. 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.

In the more recent circuit court decision, the panel took particular issue with provisions of the regulation that define what waters adjacent to, or involved with, navigable waters should require a permit. Section 404 of the Clean Water Act requires permits for the disturbance of wetlands.

The Sixth Circuit said EPA and the Corps when soliciting public opinion did not define what activities a certain distance from navigable waters would require a permit. And the final rule did establish such distances.

In a separate Congressional initiative Congress dropped from an omnibus fiscal year 2015 appropriations bill December 15 a provision that would have prevented EPA from implementing the rule.

The provision was included in legislation approved by both the House and Senate Appropriations Committees but was dropped in final negotiations between Democrats and Republicans. The House and Senate then went on to approve the spending bill December 18 and President Obama signed it the same day.

Congress dropped the provision despite a highly-critical Government Accountability Office (GAO) that said EPA used "propaganda" in lining up support for the rule.

GAO said EPA indulged in propaganda by linking its proposal to webpages operated by the Natural Resources Defense Council and the Surfrider Foundation, and seeking support therein. That constitutes lobbying, which EPA is forbid to do, said Susan A. Poling, EPA

general counsel in a letter to House Environment and Public Works Committee Chairman James Inhofe (R-Okla.)

The National Cattlemen's Beef Association (NCBA) made a similar point just before the House vote. NCBA President Philip Ellis said, "With the GAO's confirmation of the flaws in the rulemaking process and illegal actions by the EPA, it is time to withdraw this rule. Ranchers have been spared from the effect of this rule through a temporary stay by the courts, but it's time for Congress to act."

But sportsmen and their allies praised Congress. Said Rep. Raúl Grijalva (D-Ariz.), ranking Democrat on the House Natural Resources Committee, "The Obama administration's rule protects our drinking water supplies and ends the regulatory uncertainty that has allowed unscrupulous polluters to hide in the regulatory shadows. It accomplishes this without creating any new permitting requirements, and it should be allowed to go into effect."

Just before the House vote the National Wildlife Federation, along with eight other sportsmen's groups, argued the expansive EPA/Corps definition of waters requiring a permit is necessary to protect conservation lands, especially wildfowl breeding grounds. "America's hunters and anglers cannot afford to have Congress undermine effective Clean Water Act safeguards, leaving communities and valuable fish and wildlife habitat at risk indefinitely," said the groups in a January 11 letter to all Congressmen.

Signing the letter were the American Fisheries Society, American Fly Fishing Trade Association, Backcountry Hunters and Anglers, International Federation of Fly Fishers, Izaak Walton League of America, National Wildlife Federation, Theodore Roosevelt Conservation Partnership and Trout Unlimited.

Notes

Big rec partners meeting set. An annual meeting among recreation leaders from federal, state and private are-

nas will convene June 1 and 2 in Washington, D.C., to consider a recreation agenda for 2017 and beyond. America's Great Outdoors at Partners Outdoors 2016 will convene at the Interior Department headquarters and will be live streamed. On the second day of the conference the partners will focus on a recreation agenda for 2017 and beyond with senior policy leaders. On the first day the conferees will be presented with a dozen TED presentations "with an emphasis on new players from technology, education, health and more," said the American Recreation Coalition, which is coordinating the meeting. More info is at www.funoutdoors.com/PO2016.

Yellowstone faces bison rift.

Yellowstone National Park is again caught in a near intractable problem over the removal of bison from the park. Under an agreement with the State of Montana, announced January 5, the park is committed to shipping 600-to-900 of its 5,000 bison to Native American tribes for slaughter this winter. NPS eliminates the bison to prevent them from entering Montana where they might infect cattle with brucellosis infections. But some Native Americans and a lot of the general public are repelled by the idea of such mass eradications. "Many people are uncomfortable with the practice of culling bison, including the National Park Service," acknowledged Yellowstone National Park Superintendent Dan Wenk. "The park would gladly reduce the frequency and magnitude of these operations if migrating bison had access to more habitat outside the park or there was a way to transfer live bison elsewhere." NPS says it is illegal under federal and state law to move wild bison out of the park that have been exposed to brucellosis, except to meat-packing or research facilities. More information is at <http://www.ibmp.info>.

Daggett County clarifies Utah lands position. In recent issues of *FPR* we have said Daggett County, Utah, has asked not to be included in a Utah Public Lands Initiative being prepared by Rep. Rob Bishop (R-Utah). Daggett County was at one time held out as the lead county for forging a consensus recommendation on managing public lands within its borders. The county informs us

that the commissioners did not ask to be removed from the initiative; they simply told Bishop they would readdress the county position. Subsequently, Jack Lytle, county commissioner, told us, "This updated version as submitted was not deemed acceptable by the Congressman and thus we are not included, as far as we know, in the final Public Lands Initiative."

Murkowski revises panel staff.

Senate Energy Committee Chairman Lisa Murkowski (R-Alaska) said December 28 that staff director Karen Billups would retire at the end of December 2015. Murkowski said that committee staff veteran Colin Hayes would replace Billups and that another committee staff veteran Brian Hughes would serve as deputy staff director. Off and on over the last 20 years Billups has served as counsel, senior counsel, deputy chief counsel and chief counsel on the committee. She became staff director in January 2013. Hayes has held several positions on the committee over the last 12 years, including deputy staff director since December 2014.

Parks champion Bumpers dies. Former Sen. Dale Bumpers (D-Ark.), a fierce advocate of the national parks, died January 1 at the age of 90. As chairman of the Senate subcommittee on National Parks Bumpers was particularly involved with Civil War battlefields. We remember an interview in the late 1990s with the senator that was supposed to last only 15 minutes or so. But Bumpers, a famed raconteur, launched an extemporaneous description of the battle of Chickamauga Creek, so the interview went on for an hour. Bumpers served in the Senate from 1975-to-1999 and before that as governor of Arkansas from 1971-to-1975. While senator he twice considered runs for the Presidency but backed off.

Boxscore of legislation

Fiscal year 2016 appropriations (full-year)

HR 2029 (Dent). President Obama signed into law December 18 as PL 114-113. Increases spending over fiscal 2015, but wildfires and PILT reduce the total. Few riders make the cut.

Appropriations FY 2016 Energy and Water
HR 2029 (Dent). President Obama signed into law December 18 as PL 114-113. Law provides mild increase for Corps and Bureau of Reclamation. Does not block EPA/Corps wetlands rule.

Appropriations FY 2016 Transportation
HR 2029 (Dent). President Obama signed into law December 18 as PL 114-113. Roughly maintains surface transportation spending at fiscal 2015 levels.

Fiscal year 2016 budget
HR 1314 (Meehan). President signed into law November 2 as PL 114-74. Increases overall domestic spending cap by \$20 billion.

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. Senate committee approved Murkowski bill July 30. Bishop posted draft November 5. Simpson introduced December 1. 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. Would authorize HUD grants and HUD loans to provide assistance to urban parks.

NPS Centennial
HR 3556 (Grijalva), S 2257 (Cantwell), unnumbered draft (Bishop). House hearing December 2. Senate hearing December 8. 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.

Federal land recreation fees
HR 1991 (Bishop), HR 2822 (Calvert), S

1645 (Murkowski), HR 719. House committee approved April 29. Senate hearing September 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.

Emergency fire spending
HR 167 (Simpson), S 235 (Wyden), S 508 (McCain), S 1645 (Murkowski), HR 2647 (Westerman). Simpson introduced January 6. Wyden introduced January 22. McCain introduced February 12. Senate committee approved S 1645 June 18. House approved HR 2647 July 9. 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. Amodei introduced January 22. Murkowski introduced February 10. Labrador introduced February 11. Crapo introduced January 21. Gosar introduced November 5. 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. Would forbid completion by EPA of regulations expanding kinds of water bodies requiring wetlands protection permit. 141 cosponsors. Also included in House and Senate spending bills.

Surface transportation
S 1647 (Inhofe), HR 22 (Davis), HR 3763 (Shuster). Senate approved HR 22 (substitute for S 1647) July 30. House approved HR 3763 November 5. Inhofe and Shuster would revise law for next six years.

Fed lands open in government closure
S 146 (Flake). Flake introduced January 12. Would allow states to operate national parks, national refuges and national forests in a government shutdown.