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**To:** [Jason Larrabee](#); [Greg Sheehan](#); [Aurelia Skipwith](#)  
**Cc:** [Willens, Todd](#)  
**Subject:** Doc Review - NPS, FWS  
**Date:** Wednesday, October 11, 2017 6:58:27 PM  
**Attachments:** [FWS.zip](#)  
[NPS.zip](#)

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Jason, Aurelia and Greg. Hope you're all doing well. I've attached two groups of documents to this email. I referenced them this morning in the political meeting. These are one-pagers for the secretary to have for his member meetings with HNR and HAC-I. They were created at the bureau level and have not been edited by a political. I need you all to determine who is responsible for the political reviews and get the edited versions back to me by COB Friday. If you separate FWS and Parks and I get two separate responses, that's fine. Just need them by Friday night. Once we get them back from you all, we will be working on them with PMB and up to the front office. Thanks and let me know who I should expect them from...cause I will bug you. haha

Micah

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Micah Chambers  
Acting Director  
Office of Congressional & Legislative Affairs  
Office of the Secretary of the Interior

**BUREAU:** U.S. Fish and Wildlife Service (FWS)  
**MEMBER:** Multiple Member interest  
**ISSUE:** Oil and Gas Development in the Arctic National Wildlife Refuge

## **I. ISSUE BACKGROUND**

- The Alaska National Interest Lands Conservation Act (ANILCA) of 1980 created the 19 million acre Arctic National Wildlife Refuge (Arctic Refuge).
- Section 1002 of ANILCA required DOI to conduct a resource assessment, completed in 1987, of the 1.5 million acre Arctic Refuge coastal plain area (1002 Area) located adjacent to the Beaufort Sea.
- In the 1987 assessment, the Secretary recommended that Congress consider leasing the 1002 Area for oil and gas. In 2009, the USGS determined the area had a mean estimate of 10.35 billion barrels of technically recoverable oil with 80 to 90 percent of that volume being economically recoverable.
- The Arctic Refuge's initial Comprehensive Conservation Plan (CCP), completed in 1988, recognized the coastal plain as a critical calving area for the Porcupine caribou herd, which are an important subsistence resource for Alaska Native people.
- A revised CCP with a final EIS was completed on April 3, 2015. It recommended designating 12 million acres of the Arctic Refuge as Wilderness, including the 1002 Area. Additionally, four rivers were recommended for inclusion into the National Wild and Scenic Rivers System.

## **II. POSITION of INTERESTED PARTIES**

- The Alaska delegation supports leasing the coastal plain for oil and gas development.
- The State of Alaska, North Slope Borough, Arctic Slope Regional Corporation, and other development interests oppose the proposed Wilderness and Wild and Scenic River designations in the Arctic Refuge.
- The Native Gwich'in people, as well as environmental and conservation groups, support permanent wilderness designation.
- The majority of public comments on the 2015 CCP supported wilderness designation.

## **III. RECENT CONGRESSIONAL ACTIVITY**

- In the 115<sup>th</sup> Congress, Sen. Markey (D-MA) introduced S. 820, and Rep. Huffman (D-CA-2) introduced H.R. 1889, nearly identical bills which would designate 1.6 million acres of the Arctic Refuge as wilderness.
- Sen. Murkowski (R-AK) introduced S. 49, and Rep. Young (R-AK) introduced H.R. 49, which would both allow oil and gas leasing in the coastal plain of the Arctic Refuge.
- The Senate and House FY18 Budget Resolutions contain instructions for obtaining \$1 and \$5 billion in revenue to the Senate Energy and Natural Resources and House Natural Resources Committees respectively.

## **IV. NEXT STEPS/ OUTLOOK**

- The Department included a legislative proposal in the FY 2018 President's Budget to open the coastal plain to oil and gas leasing. The first lease sales are projected to be in 2022 or 2023. A second lease sale would occur four years later.
- A FY18 Congressional Budget Resolution could pave the way for opening the 1002 Area.

**BUREAU:** U.S. Fish and Wildlife Service (FWS)

**MEMBER:** Thompson, Portman, Stabenow, Bergman, Franken, Duckworth, McCollum, Joyce, Kaptur

**ISSUE:** Asian Carp

## **I. ISSUE BACKGROUND**

- Bighead, Black, and Silver carps (Asian carp) are listed as injurious wildlife under the Lacey Act (18 USC 42) and may not be imported or transported between the continental U.S., the District of Columbia, Hawaii, Puerto Rico, or any other territory of the U.S.
- FWS works with state and federal agency partners to implement the national *Management and Control Plan for Bighead, Black, Grass, and Silver Carps in the United States* (Plan), which addresses Asian carp issues across the nation. The Plan was written by the Asian Carp Working Group of the Aquatic Nuisance Species Task Force (ANSTF). It was approved by the ANSTF in 2007.
- FWS and the U.S. Environmental Protection Agency (EPA) co-chair the 27-member Asian Carp Regional Coordinating Committee (ACRCC), which develops an annual Action Plan with activities funded through agency base appropriations and Great Lakes Restoration Initiative funding.
- FWS leads federal implementation of the Water Resources Reform and Development Act (WRRDA) Sec. 1039, which calls for increased inter-agency collaboration to prevent the spread of Asian carp in the Upper Mississippi (UMRB) and Ohio River (ORB) Basins.

## **II. POSITION of INTERESTED PARTIES**

- Asian carp are a high-priority for the Great Lakes Task Force, other Members from the Great Lakes, UMRB and ORB, State leadership, conservation groups, and the media.

• (b) (5) DPP  
[REDACTED]

## **III. RECENT CONGRESSIONAL ACTIVITY**

- Sens. Stabenow and Portman held a Great Lakes Task Force meeting to discuss actions within the Midwest on Asian carp. FWS presented. Fourteen Members attended.
- FWS testified in March 2017 before the Senate Environment and Public Works Committee hearing, *“Examining Innovative Solutions to Control Invasive Species and Promote Wildlife Conservation”*.
- FWS delivered the ANSTF’s 2015 Report to Congress.
- July, 2017: In response to a silver carp being found above the last electrical barrier before Lake Michigan, FWS led a Congressional briefing on the 2017 Asian Carp Monitoring and Response Plan and the Upper Illinois Waterway Contingency Response Plan.

## **IV. NEXT STEPS/ OUTLOOK**

- (b) (5) DPP  
[REDACTED]
- The FY 2018 request for FWS’s Asian carp effort is \$7,885,000.

**BUREAU:** U.S. Fish and Wildlife Service (FWS)  
**MEMBER:** Bergman, Westerman, Gosar, Cochran, Leahy  
**ISSUE:** Cormorant Depredation of Fish in Southeast, Northeast, and Midwestern States

**I. ISSUE BACKGROUND**

- Double-crested cormorants are fish-eating birds that are protected under the Migratory Bird Treaty Act (MBTA). The MBTA prohibits the take (killing, capture, selling, trading, transport, etc.) of protected migratory bird species without prior authorization.
- Cormorants congregate in the southern states in the fall and winter, where they impact aquaculture facilities. In the spring and summer, cormorants congregate in northern states where they are perceived to be a competitor to fishermen for wild free-swimming fish.
- In May 2016, the U.S. District Court for the District of Columbia vacated two FWS Depredation Orders that previously allowed for the lethal take of cormorants, citing inadequate NEPA documentation.

**II. POSITION OF INTERESTED PARTIES**

- Senate Appropriations Committee Chairman Thad Cochran and other Members representing affected southern states (AL, AR, LA, MS, NC) have urged the FWS to allow for the take of cormorants before they return to southern aquaculture facilities.
- Members from Northeast and Midwest states (MI, MN, NH, NY, VT) have urged the FWS to address cormorant impacts on wild free-swimming fish that are perceived to effect commercial and recreational fisheries in their states.

**III. RECENT CONGRESSIONAL ACTIVITY**

- In the 115<sup>th</sup> Congress, Rep. Crawford and Sen. Cotton introduced companion bills, H.R. 368 and S. 219, cosponsored by Members from AR, AL, MS, and NC, to address cormorant impacts on aquaculture by reinstating the FWS Depredation Order that the U.S. District Court vacated.
- The FY 2017 appropriations conference report directed the FWS to expedite NEPA documents that would allow the agency to issue cormorant depredation permits per the direction of the U.S. District Court.
- On July 22, 2017 Rep. Bergman used his time during a House Natural Resources Committee to ask Sec. Zinke to address the cormorant and wild fish issue in his district.

**IV. NEXT STEPS / OUTLOOK**

- (b) (5) DPP [Redacted]

**BUREAU:** U.S. Fish and Wildlife Service (FWS)  
**MEMBER:** Murkowski, Bishop, Cantwell, Grijalva  
**ISSUE:** FWS' Deferred Maintenance Backlog

## **I. ISSUE BACKGROUND**

- Over 51 million people visited FWS hatcheries and refuges last year, including hunters, anglers, birders, and other outdoor recreationists.
- FWS real property assets include: 6,500 buildings; 8,600 water management structures; nearly 14,000 roads, bridges, and dams; and 10,500 “other” structures.
- Inadequate investments in asset maintenance have led to failing infrastructure and a deferred maintenance backlog at the FWS.
- While the FWS has reduced its backlog since 2010, a current FWS deferred maintenance (DM) backlog of approximately \$1.4 billion remains.

## **II. POSITION of INTERESTED PARTIES**

- There is congressional interest in addressing the DM backlog at the FWS, and across the Department of the Interior.
- Chairman Rob Bishop (R-UT) and other Members have taken the position that funding the Department’s DM backlog should be prioritized, specifically over new land acquisition funding.
- Chairwoman Murkowski (R-AK) has emphasized public-private partnerships to address DM funding.
- Ranking Members Cantwell (D-WA) and Grijalva (D-AZ) are supportive of DM funding.

## **III. RECENT CONGRESSIONAL ACTIVITY**

- The House Natural Resources Committee included addressing the DM backlog in the Committee’s oversight plan for the 115<sup>th</sup> Congress.
- Chairwoman Murkowski’s Senate Energy and Natural Resources Committee hosted staff briefings in March on the DM backlog where FWS and other Bureaus presented.
- Chairwoman Murkowski held a hearing in March on the topic of “opportunities to improve and expand infrastructure important to federal lands, recreation, water, and resources” where she highlighted addressing the Department’s DM backlog.

## **IV. NEXT STEPS/ OUTLOOK**

- The President’s FY18 budget request emphasizes DM funding, requesting \$41.0 million in Refuge DM and \$10.2 million in Hatchery DM.
- The House-passed FY18 omnibus appropriations bill increased Refuge DM by \$1.3 million to \$42.3 million and added \$3.0 million to Hatchery DM for a total of \$13.2 million.
- Outside of the annual appropriations process, Congress and the Administration are considering a separate infrastructure package that would likely include provisions to address the FWS’s and the Department’s DM.

**BUREAU:** U.S. Fish and Wildlife Service (FWS)  
**MEMBER:** Bishop, Grijalva, Huffman, Calvert  
**ISSUE:** Delisting/Downlisting 3-Year Plan

## **I. ISSUE BACKGROUND**

- In order to recognize success in recovering species under the Endangered Species Act (ESA), keep the lists of endangered and threatened wildlife and plant species accurate and up-to-date, and focus conservation resources on those species most in need, the FWS reviews the status of listed species every five years, and responds to petitions received from the public to determine whether listed species should be reclassified from endangered to threatened (downlisted) or removed from the list (delisted).
- The FWS has developed a national workplan reflecting our schedule for actions addressing 5-year status review recommendations and substantive petitions to downlist and delist species over the next three years.
- The workplan was developed to provide greater clarity and predictability regarding the timing of eventual downlisting and delisting determinations to state wildlife agencies, non-profit organizations, and other stakeholders and partners.
- A species' inclusion in this workplan does not mean that a final decision has been made to downlist or delist.

## **II. POSITION of INTERESTED PARTIES**

- There is congressional interest in focusing ESA recovery funding on activities that are inherently federal, such as 5-year reviews and status changes.

## **III. RECENT CONGRESSIONAL ACTIVITY**

- The House FY 2018 Interior Appropriations bill contains \$85,570,000 for ESA recovery activities, including \$3,000,000 for delisting and downlisting activities.
- The House FY 2018 Interior Appropriations Committee Report directed the Service to complete all five-year reviews within the period required by law, and, for any determination on the basis of such review whether a species should be delisted, downlisted, or uplisted, promulgate an associated regulation prior to initiating the next status review for such species.

## **III. NEXT STEPS**

- To keep the public informed of our progress in recovering species, the FWS plans to periodically update this work plan to reflect our consideration of new information over time, new status reviews initiated as a result of petitions, and new recommendations resulting from our 5-year reviews.

**BUREAU:** U.S. Fish and Wildlife Service (FWS)

**MEMBER:** Feinstein, McCarthy, Calvert, McClintock, Denham, LaMalfa, Costa, Huffman

**ISSUE:** Delta Smelt, 08 Biological Opinion, California WaterFix Consultation, FISH Act

## **I. ISSUE BACKGROUND**

- The threatened Delta smelt is a small fish endemic to the San Francisco Bay-Delta that completes its entire one-year lifecycle in and near where fresh and salt water mix in the estuary. The Bay-Delta has been altered by land use changes, water development, and invasive species, reducing the amount of high quality habitat available for Delta smelt.
- Record-low abundance of Delta smelt reflects decades of habitat change, competition and predation from invasive species, and the recent multi-year drought.
- In 2008, FWS issued a jeopardy Biological Opinion (BiOp) on the operation of the Central Valley Project and State Water Project. FWS included a Reasonable and Prudent Alternative (RPA), affecting the amount of water that can be used from the system, to avoid jeopardy and adverse modification, which remains in place today.
- The WaterFix project represents the State of California's plan to upgrade outdated infrastructure in the Delta to secure water supplies and improve the Delta's ecosystem. FWS finalized the WaterFix BiOp in June 2017.

## **II. POSITION of INTERESTED PARTIES**

- Water export restrictions to protect Delta smelt are opposed by agricultural and municipal water users, but supported by environmental groups and fishing interests.
- WaterFix is supported by a number of agricultural and municipal interests and the State of California, but opposed by many environmental groups (who have filed litigation challenging the WaterFix BiOp) and local landowners. The Westlands Water District Board recently voted against participating in WaterFix stating that the project is not financially viable.

## **III. RECENT CONGRESSIONAL ACTIVITY**

- FWS is working with partners to implement the requirements contained in the 2016 WIIN (Water Infrastructure Improvements for the Nation) Act, which contained a requirement to develop and expand captive breeding capability.
- This month, Congressmen Calvert, LaMalfa, and others introduced the Federally Integrated Species Health (FISH) Act to consolidate management and regulation of the Endangered Species Act (ESA) with the FWS. This would essentially transfer authority over ESA-listed marine mammals and anadromous fish, such as salmon, from the National Marine Fisheries Service to FWS.

## **IV. NEXT STEPS/ OUTLOOK**

- Last August, a multi-year process, led by Bureau of Reclamation with federal and state partners, began to develop a new BiOp to find balance between the needs of agriculture, municipalities and conservation.
- FWS approved Reclamation's proposal to modify implementation of RPA Action 4 from the 2008 BiOp in October 2017, which is intended to maintain the low salinity zone in specific locations in the estuary during the fall in wet and above normal water years.

**BUREAU:** U.S. Fish and Wildlife Service (FWS)  
**MEMBER:** Bishop, McClintock, Pearce, Grijalva, Tsongas, Beyer, Huffman  
**ISSUE:** ESA Reform and Legislation

## **I. ISSUE BACKGROUND**

- In this Congress, the EPW Committee and HNR Committee have expressed an interest in moving legislation that would amend the ESA, and have held related oversight hearings.
- Hearings and oversight in the 114<sup>th</sup> Congress centered on the role of litigation and settlements, use of data, transparency in decision-making, policies for designating critical habitat, and barriers to recovery.
- FWS is participating in a multi-year process led by the Western Governors' Association (WGA) to examine species conservation and the ESA and to identify actions to improve the statute or its implementation.

## **II. POSITION of INTERESTED PARTIES**

- Last June, the WGA passed a resolution urging Congress to reauthorize the ESA, including several principles to reform the law.
- This March, the National Governor's Association adopted a policy similar to the WGA.
- The Association of Fish and Wildlife Agencies has participated in discussions on ESA reform, including an April EPW staff briefing with other state officials.
- Chairman Bishop (R-UT-1) has expressed strong interest in reforming the ESA.
- Ranking Member Grijalva (D-AZ-3) is opposed to reforming the ESA.

## **III. RECENT CONGRESSIONAL ACTIVITY**

- H.R. 3916 (Calvert: R-CA) – Would transfer management of ESA-listed anadromous fish (salmon, sturgeon, etc.) from NOAA Fisheries to FWS. HNR Subcommittee legislative hearing is scheduled for Oct. 12. DOI statement for the record supports the bill.
- FWS Acting Director Greg Sheehan testified in July before HNR generally in support of 5 bills to amend the ESA. All 5 bills passed out of HNR on Oct. 4.
  - H.R. 424 – Gray Wolf State Management Act (Peterson: D-MN) – Reinstates delisting of Western Great Lakes and WY wolves.
  - H.R. 717 – Listing Reform Act (Olson: R-TX) – Requires economic analysis at listing for threatened species, gives flexibility to prioritize petitions, removes 90-day and 12-month deadlines.
  - H.R. 1274 – State, Tribal, and Local Species Transparency and Recovery Act (Newhouse: R-WA) – Requires data transparency, requires all data be provided to states prior to listing, defines best available data to include state & local.
  - H.R. 2603 – Saving America's Endangered Species (SAVES) Act (Gohmert: R-TX) -- Nonnative species in U.S. not considered listed under ESA.
  - H.R. 3131 – Endangered Species Litigation Reasonableness Act (Huizenga: R-MI) – Would tie ESA fee awards to EAJA cap of \$125/hr

## **IV. NEXT STEPS/ OUTLOOK**

- The WGA issued recommendations for ESA reform over the summer.
- We anticipate continued oversight and legislative activity from HNR and EPW regarding ESA implementation and modernization.

**BUREAU:** U.S. Fish and Wildlife Service (FWS)

**MEMBER:** Bishop, Lamborn, Labrador, Tipton, Cheney, Barrasso, Risch, Daines, Calvert, Stewart, Simpson, Amodei, Lee

**ISSUE:** Greater sage-grouse

## **I. ISSUE BACKGROUND**

- In 2010, FWS made the greater sage-grouse a candidate for listing under the Endangered Species Act. In response, the Bureau of Land Management (BLM) and Forest Service (USFS) worked with the states to develop a land use strategy to conserve and restore sagebrush habitat across the species' range.
- In 2015, citing the federal land use strategy and associated rangeland fire strategy, along with state and private lands conservation efforts, FWS determined that the greater sage-grouse was not warranted for listing under the ESA.
- The 2015 "not warranted" finding included a commitment to revisit the status of the species in 5 years, a commitment made to strengthen the defensibility of that finding.
- FWS and a coalition of public and private partners, particularly the states, have built a durable, collaborative effort to conserve sagebrush-dependent species, avoid future listing of those species, and secure a healthy sagebrush ecosystem for people and wildlife.
- BLM and USFS amended or revised nearly 100 resource and land management plans to improve protections for sage-grouse and sagebrush habitat.
- All states have sage-grouse plans; some interface seamlessly with the federal plans. States have management responsibility for the species and are leading the larger effort to proactively conserve the larger sagebrush ecosystem.
- In August 2017, Secretary Zinke received a report from the Department's Sage-Grouse Review Team regarding possible plan and policy modifications to complement state efforts to improve greater sage-grouse conservation and economic development on public lands, as required by Secretarial Order 3353.

## **II. POSITION of INTERESTED PARTIES**

- Some conservation groups were critical of the FWS' not-warranted determination; others were highly supportive.
- Some industry and trade groups have filed litigation opposing the federal plans.

## **III. RECENT CONGRESSIONAL ACTIVITY**

- In the 115<sup>th</sup> Congress, legislation seeks to provide state management over federal land management plans and delay future action to list the sage-grouse. Sponsors include Sens. Risch (R-ID), Lee (R-UT), and Daines (R-MT) and Reps. Simpson (R-ID), Amodei (R-NV), Gosar (R-AZ), Stewart (R-UT), Tipton (R-CO), and Cheney (R-WY).
- The FY17 Omnibus appropriations bill bars FWS from expending any funds for status reviews, listing determinations, or rulemakings regarding the greater sage-grouse.

## **IV. NEXT STEPS/ OUTLOOK**

- FWS will continue to provide technical assistance to public and private partners as they implement sage-grouse conservation measures. FWS will also continue to support collaborative efforts to conserve the larger sagebrush ecosystem.

**BUREAU:** U.S. Fish and Wildlife Service (FWS)  
**MEMBER:** Tester, Daines, Simpson, McCollum, Barrasso, Risch, Labrador, Cheney, Grijalva, Newhouse  
**ISSUE:** Grizzly Bears

**I. ISSUE BACKGROUND**

- In 1975, FWS listed the grizzly bear as threatened in the lower 48 states.
- FWS organizes grizzly bears into six recovery zones/ecosystems to allow for targeted recovery efforts. Recovery zones include parts of WA, ID, MT, and WY.
- In March 2007, FWS finalized a rule to establish the Greater Yellowstone Ecosystem grizzly bear distinct population segment (DPS) and to delist this DPS due to recovery. Courts overturned this rule in 2009, reinstating ESA protections for Yellowstone bears.
- In June 2017, FWS published a new final rule to delist the Yellowstone DPS. The rule does not change the threatened status of the remaining grizzly bears in the lower 48 states. FWS has received several complaints from environmental groups and tribal interests challenging the rule.
- In early 2017, the National Park Service and FWS published a draft Environmental Impact Statement on alternatives to restore grizzly bear in the North Cascades Recovery Unit. Alternatives range from no action to the establishment of a population of grizzly bears in the North Cascades Ecosystem.

**II. POSITION of INTERESTED PARTIES**

- (b) (5) DPP [Redacted]

**III. RECENT CONGRESSIONAL ACTIVITY**

- Senators Daines (R-MT), Barrasso (R-WY), Enzi (R-WY), Rep. Cheney (R-WY), and House Natural Resources Chairman Bishop (R-UT) issued statements supporting the final delisting of the Yellowstone grizzly bear.
- Rep. Grijalva (D-AZ-3) opposed delisting, citing tribal rights and hunting concerns.
- (b) (5) DPP [Redacted]

**IV. NEXT STEPS/ OUTLOOK**

- The comment period on the North Cascades draft EIS closed in April 2017. (b) (5) DPP [Redacted]
- In August 2017, in regards to delisting wolves in the Western Great Lakes, a court ruled that FWS failed to reasonably analyze or consider: (1) the impacts of partial delisting; and, (2) historical range loss on the already listed species. (b) (5) DPP [Redacted]

**BUREAU:** U.S. Fish and Wildlife Service (FWS)  
**MEMBER:** Frelinghuysen  
**ISSUE:** Highlands Conservation Act

## **I. ISSUE BACKGROUND**

- The Highlands Conservation Act (HCA) was enacted in 2004 to provide assistance to States to preserve and protect high quality conservation land in the 3.4 million acre Highlands region of New York, New Jersey, Pennsylvania and Connecticut.
- The program was first funded in 2007. The program also received funding in 2008, 2009, 2010, 2012, 2015, 2016, and 2017.
- In FY 2016, Congress increased the appropriation “up to \$10 million,” and included administrative funding to the FWS, which had not been provided in several years. FWS works with the U.S. Forest Service and the four states to identify projects that meet the intent of the law to conserve important habitat in the Highlands region.
- To date, more than \$26 million in Federal funds has been allocated to the four states for land acquisition. These funds have resulted in the permanent protection of over 6,200 acres and leveraged non-Federal funds at a nearly 3:1 ratio.
- Funding for the program comes from the Land and Water Conservation Fund.
- There is no funding for Highlands in the FY 2018 President’s Budget.

## **II. POSITION of INTERESTED PARTIES**

- The Highlands Coalition is comprised of more than 200 national, regional, state and local organizations that work collaboratively with state agencies, the U.S. Forest Service and FWS to implement critical conservation in the Highlands region. This broad coalition has yielded sustained congressional support.

- (b) (5) DPP [Redacted]

## **III. RECENT CONGRESSIONAL ACTIVITY**

- Chairman Frelinghuysen introduced H.R. 1281(S. 1627, Sen. Gillibrand [D-NY]) to reauthorize the law through 2021. No Congressional action has been taken to date.

## **IV. NEXT STEPS**

- (b) (5) DPP [Redacted]

- August, 2017: FWS announced funding distribution of \$2,420,000 to each of the four states. Announcements of funding to states were sent to Congressional offices.
- The 2018 President’s Budget did not include funding for Highlands.

**BUREAU:** U.S. Fish and Wildlife Service (FWS)  
**MEMBER:** Murkowski, Young  
**ISSUE:** Izembek National Wildlife Refuge and King Cove Road

## **I. ISSUE BACKGROUND**

- This issue centers on construction of a road through wilderness areas of the Izembek Refuge to provide access to an all-weather airport for the community of King Cove, AK.
- Congress previously appropriated funds to upgrade the local medical clinic, improve the King Cove airstrip, and enhance a marine transportation link between the communities of King Cove and Cold Bay.
- The Omnibus Public Land Management Act of 2009 directed the Secretary to develop an EIS to evaluate a three-party land exchange between the federal government, the State of Alaska, and the King Cove Corporation for the purpose of constructing a road between King Cove and Cold Bay, which has an existing all-weather airport.
- As part of the proposed land exchange, about 56,000 acres owned by the State and King Cove Corporation would be transferred to the Izembek and Alaska Peninsula Refuges.
- The proposed King Cove road would cross designated wilderness in the Izembek Refuge, potentially creating adverse impacts to high value habitat.
- In December 2013, as required by the 2009 law, former Interior Secretary Jewell issued a final decision that found the land exchange was not in the public interest.

## **II. POSITION of INTERESTED PARTIES**

- The Alaska Congressional Delegation strongly supports the road and land exchange.
- The communities of King Cove and Cold Bay support the land exchange and road.
- Wilderness and environmental groups strongly oppose a road due to the impact to pristine habitat and the precedent set.
- Some Alaska Natives and subsistence users in the Yukon Delta also oppose the road.

## **III. RECENT CONGRESSIONAL ACTIVITY**

- Senator Murkowski included policy language in the FY16 and FY17 Interior-Environment appropriations bills that would require a land transfer at Izembek. The language was not ultimately included in the final FY16 or FY17 appropriations bills.
- At the time of drafting, the FY18 Senate appropriations bill was not yet released.
- This year, bills were introduced by Sen. Murkowski (S. 101) and Rep. Young (H.R. 218) to provide a land exchange for the construction of a road between the two communities. H.R. 218 passed the House on July 20, 2017.

## **IV. NEXT STEPS/ OUTLOOK**

- Next steps depend on whether the land exchange is with the State of Alaska or Native Corporation. For example, if land is exchanged with the Native Corporation, the Alaska Native Claims Settlement Act (ANCSA) Section 22(g) and its implementing regulation, 50 CFR 25.21, stipulates that Alaska Native Village Corporation lands within the boundaries of a National Wildlife Refuge established prior to ANCSA are subject to National Wildlife Refuge System compatibility requirements. If land is exchanged with the State of Alaska, then a National Environmental Policy Act EIS is likely required, unless new statute dictates otherwise.

**BUREAU:** U.S. Fish and Wildlife Service (FWS)

**MEMBER:** Gohmert, Westerman, Johnson, Denham, and Tsongas

**ISSUE:** D.C. Circuit Decision on FWS Interpretation of Lacey Act Interstate Transport Prohibition

## **I. ISSUE BACKGROUND**

- Under the Lacey Act (18 U.S.C. §42), the Secretary of the Interior is authorized to regulate the importation and transport between the continental U.S., the District of Columbia, Hawaii, Puerto Rico, or any other territory of the U.S., of species determined to be injurious to human beings, the interests of agriculture, horticulture or forestry, or to wildlife or wildlife resources of the U.S. FWS has long interpreted the language related to shipment of injurious species to prohibit transportation of injurious species between states within the continental U.S.
- The U.S. Association of Reptile Keepers (USARK) filed a lawsuit in December 2013 challenging FWS authority. The District Court for the District of Columbia found that 18 U.S.C. § 42(a)(1) does not prohibit interstate transport of injurious wildlife between states within the continental U.S. and enjoined FWS from implementing that provision with respect to two species at issue in the litigation. FWS appealed this decision.
- On April 7, 2017, the U.S. Court of Appeals for the District of Columbia Circuit affirmed the District Court's judgment and held that FWS lacks authority pursuant to the Lacey Act to prohibit shipments of injurious species between states within the continental U.S.

## **II. POSITION of INTERESTED PARTIES**

- (b) (5) DPP [Redacted]

## **III. RECENT CONGRESSIONAL ACTIVITY**

- Rep. Gohmert (R-TX-1) introduced HR 1807 - Public Water Supply Invasive Species Compliance Act of 2017 (companion bill in the Senate, S. 789 sponsored by Sen. Cruz (R-TX)), exempting certain water transfers between public water supplies located on, along, or across the boundaries of Texas, Arkansas, and Louisiana from the Lacey Act. Reps. Westerman (R-AR-4) and Mike Johnson (R-LA-4), who are on the House Natural Resources Committee, are co-sponsors. The bill was passed out of committee.
- October, 2017: Senator Gillibrand (D-NY) had a press conference on the emerald ash borer beetle in the Adirondacks, mentioning the injurious species listing process. Gillibrand has previously introduced legislation to reform this process. Reintroduction of this legislation is likely to occur this session; but, it has not yet happened.

## **IV. NEXT STEPS/ OUTLOOK**

- (b) (5) DPP [Redacted]

**BUREAU:** U.S. Fish and Wildlife Service (FWS)  
**MEMBER:** Gardner, Cole, Calvert, Gohmert, Pearce, Tipton  
**ISSUE:** Lesser Prairie-Chicken

## **I. ISSUE BACKGROUND**

- In April 2014, FWS listed the lesser prairie-chicken as threatened under the Endangered Species Act (ESA) and concurrently finalized a special rule under section 4(d) of the ESA that established compliance with the State-led Range-wide Conservation Plan as also being ESA compliant.
- In June 2014, the Permian Basin Petroleum Association and four New Mexico counties filed a lawsuit challenging the FWS's final rule to list the lesser prairie-chicken. Separate lawsuits were filed by other plaintiffs, including environmental groups.
- In September 2015, a U.S. District Court ruled on the Permian Basin lawsuit and vacated the FWS's listing rule. The Government decided not to appeal.
- Prior to the 2015 court ruling, FWS began work on a species status assessment for the lesser prairie-chicken, with input from the five range states. The goal of the status assessment was to synthesize the best available science to inform recovery planning and conservation actions.
- In September 2016, FWS was petitioned to list the lesser prairie-chicken as endangered. FWS found the petition to be substantial. The status assessment will also serve to inform the 12 month finding on that petition.

## **II. POSITION of INTERESTED PARTIES**

- The Western Association of Fish and Wildlife Agencies (WAFWA), in partnership with New Mexico, Colorado, Kansas, Oklahoma and Texas, created *The Lesser Prairie-Chicken Range-wide Conservation Plan* to develop a conservation and mitigation strategy for the species. (b) (5) DPP  
[REDACTED]
- Several Members of Congress disagreed with FWS's 2014 decision to list the lesser prairie-chicken under the ESA.

## **III. RECENT CONGRESSIONAL ACTIVITY**

- In the 114<sup>th</sup> Congress, Rep. Lucas (R-OK) filed an amendment to the House National Defense Authorization Act (NDAA) to prohibit listing the bird under the ESA; the amendment was withdrawn. Similar language was included in other NDAA amendments, appropriations bills, and a standalone bill.
- There has been no relevant legislation introduced in the 115<sup>th</sup> Congress.

## **IV. NEXT STEPS/ OUTLOOK**

- (b) (5) DPP  
[REDACTED]

**BUREAU:** U.S. Fish and Wildlife Service (FWS)  
**MEMBER:** Murkowski, Simpson  
**ISSUE:** FWS Mitigation Policy Status

## **I. ISSUE BACKGROUND**

- The FWS has used a mitigation policy since 1981 to guide agency recommendations on mitigating the adverse impacts of land and water development projects on fish, wildlife, plants, and their habitats.
- In 2016, FWS finalized revisions to the 1981 policy. Notably, the scope of the revised policy expanded to address all resources for which FWS has authority to require or recommend mitigation, including those listed under the Endangered Species Act (ESA).
- In December 2016, the FWS finalized the ESA compensatory mitigation policy, a more detailed, ESA-specific stepdown of the revised Service-wide mitigation policy.
- These policies were consistent with the Presidential Memorandum entitled *Mitigating Impacts on Natural Resources from Development and Encouraging Related Private Investment* (PM) (November 3, 2015) and with Secretarial Order 3330, *Improving Mitigation Policies and Practices of the Department of the Interior* (October 31, 2013).
- A March 28, 2017, Executive Order (EO) rescinded the 2015 PM and directed all agencies to identify affected agency actions (including existing regulations, orders, and policies) and, as appropriate, suspend, revise, or rescind them.
- Sec. Order (SO) 3349 (March 29, 2017) implements the March 2017 EO. It revoked SO 3330 and required the Deputy Secretary to inform the Bureaus whether to proceed with reconsideration, modification, or rescission of actions related to the PM or SO 3330.

## **II. POSITION of INTERESTED PARTIES**

- (b) (5) DPP  
[REDACTED]
- At a March 2016 Senate Energy and Natural Resources Committee hearing, the State of Alaska expressed concerns with the PM and requested its revision to incorporate the Alaska Native Settlement Claims Act and Alaska National Interest Lands Conservation.
- Response from State agencies varied; FWS received comments from States both supporting and expressing concerns with the policies.
- In some cases, industry had concerns that the policies were an attempt to create new authority for FWS.

## **III. RECENT CONGRESSIONAL ACTIVITY**

- Rep. Newhouse (R-WA) introduced two resolutions to disapprove the two FWS mitigation policies through the Congressional Review Act (CRA), but no further action has been taken on them.

## **IV. NEXT STEPS**

- (b) (5) DPP  
[REDACTED]

**BUREAU:** U.S. Fish and Wildlife Service (FWS)  
**MEMBER:** McCollum, Udall, Feinstein, Stewart, Bishop  
**ISSUE:** Southwest Border Law Enforcement and Conservation Issues

## **I. ISSUE BACKGROUND**

- There are eight National Wildlife Refuges along the U.S.-Mexico border, three in Texas, two in California and three in Arizona. FWS has 18 Federal Wildlife Officers (FWO) that cover these refuges.
- Santa Ana National Wildlife Refuge sits along the U.S.-Mexico border in Texas, and has been identified as a location for early preparations for border wall construction. The Refuge has been visited this year by Senator Cornyn's (R-TX) staff and Representative O'Rourke (D-TX-16). Senator Cruz (R-TX) has expressed an interest in visiting the refuge as well.
- The FWOs at border refuges provide safety and security for visitors and protect fish, wildlife, cultural, and archaeological resources. Additionally, working closely with DHS, they address border issues that spill onto refuges, including drug and human trafficking and fatalities of undocumented immigrants.
- These refuges also face increased habitat degradation from significant amounts of human trash and waste left on site, escaped camp fires, sewage spills, and trail and road erosion. Additional trash is generated on Arizona border refuges by humanitarian organizations who, contrary to refuge regulations, leave stock piles of food, water, and clothing for illegal border crossers.
- Many native animals, like pronghorn antelope and ocelots, migrate across the Southwest border; physical barriers could also affect movement of wildlife and could affect surface water movement, causing local flooding.
- Sec. 102. of the REAL ID Act (P.L. 109-13), signed into law in 2005, gives the Department of Homeland Security authority to waive most environmental laws, including NEPA and the ESA, to ensure expeditious construction of barriers and roads.

## **II. POSITION of INTERESTED PARTIES**

- Some Congressional Members have expressed concern about the cost of expanding and maintain a wall along the border, and the impact it may have on species and habitat in the area, as well as the impact on public lands, including National Wildlife Refuges.
- Other Members have explained how effective border security protects the environment by deterring illegal activity and border crossings.

## **III. RECENT CONGRESSIONAL ACTIVITY**

- On October 4, the House Homeland Security Committee passed the Border Security for America Act (H.R. 3548), which includes a \$10 billion authorization for construction of a U.S.-Mexico border wall.
- On July 27, the House passed the Make America Secure Appropriations Act of 2018 (H.R. 3219), which includes \$1.6 billion in funding for construction of the border wall.

## **IV. NEXT STEPS/ OUTLOOK**

- Congress will continue to debate funding for the border wall.
- The President's FY18 budget request includes \$1.6 billion for border wall construction.

**BUREAU:** U.S. Fish and Wildlife Service (FWS)  
**MEMBER:** Senator Murkowski (R-AK), Representative Don Young (R-AK-AL)  
**ISSUE:** Alaska Native-Crafted Walrus Ivory

## **I. ISSUE BACKGROUND**

- In 2016, FWS finalized regulations to prohibit most commercial domestic trade in African elephant ivory. Also, several states (including California, New Jersey, Hawaii, and Nevada) have taken steps to ban the intrastate purchase and sale of ivory (some including walrus and other types of ivory). Some state ivory bans have provisions that exempt items expressly authorized by federal law, license, or permit. At least 8 more states are considering such measures.
- Alaska Native artists are expressing concern to the Alaska Congressional delegation about loss of sales, because consumers are nervous about buying ivory and confusion over federal and state laws governing the sale of ivory.
- The U.S. does not prohibit the sale, purchase, import, export, or transport of genuine, Alaska Native-crafted walrus ivory pieces, and these may be brought into the lower 48 states by individual consumers or shipped to retail stores.
- In May of 2017, DOI announced the release of a brochure, coordinated by DOI's Indian Arts and Crafts Board (Board) and FWS to inform consumers and Alaska Native artists about walrus conservation, relevant laws, and how law enforcement recognizes walrus ivory and distinguishes it from elephant ivory.
- This brochure is being distributed online, through DOI venues, and has been offered to cruise lines and other tourism outlets. Related advertisement has also been published.
- FWS ensures its law enforcement officers are fully knowledgeable about identifying elephant vs. walrus ivory during inspections of imports and exports.
- FWS also works closely with the Board to investigate and pursue cases of counterfeit Native arts and crafts that violate the Indian Arts and Crafts Act, including several in AK.
- On October 4, 2017, the Service announced a "not warranted" finding for listing of walrus under the ESA.

## **II. POSITION of INTERESTED PARTIES**

- The Alaska delegation has expressed concern about the impact of the elephant ivory ban and state ivory bans on the sales of genuine Alaska Native-crafted walrus ivory.
- Members are pleased with the efforts of FWS and the Board to inform consumers and artists about the importance of Native American arts and crafts, and the legality of the sale of Alaska Native-crafted walrus ivory, as well as our efforts to enforce the Indian Arts and Crafts Act.

## **III. RECENT CONGRESSIONAL ACTIVITY**

- This issue was raised by Senator Murkowski during the June 21, 2017 Senate Interior Appropriations hearing for FY 2018.
- FWS and the Board have met on this issue with staff of the three AK delegation offices.

## **IV. NEXT STEPS/ OUTLOOK**

- The Department will continue to work to increase awareness and provide best information about relevant Federal laws.
- During the FY 2018 Senate Interior appropriations hearing, the Secretary committed to a Secretarial Order and to convene a working group on the matter.

October 6, 2017

**BUREAU:** U.S. Fish and Wildlife Service (FWS)  
**MEMBER:** Young, Grijalva, Beyer, Flake, Portman, McCollum, Udall  
**ISSUE:** Combating Wildlife Trafficking

## **I. ISSUE BACKGROUND**

- FWS (via DOI) is a co-chair, along with the State Department and Department of Justice, of the interagency Task Force on Wildlife Trafficking.
- In 2016, Congress passed the bipartisan, bicameral END Wildlife Trafficking Act, which codified the Task Force, National Strategy, and Implementation Plan, and included additional requirements of federal agencies.
- In 2016, FWS finalized regulations to prohibit most commercial domestic trade in African elephant ivory. Exemptions for antiques and items containing small amounts of ivory were included to allow for the continued trade in items that do not impact conservation of African elephants.
- In February 2017, the President signed an Executive Order on Transnational Organized Crime, which states the U.S. shall address threats to national security from transnational criminal organizations involved in a variety of activities, including wildlife trafficking.
- FWS has stationed law enforcement special agents at U.S. embassies as international attachés to address wildlife trafficking in key nations.

## **II. POSITION of INTERESTED PARTIES**

- Combating wildlife trafficking has strong bipartisan support in Congress.
- Several Members of Congress are also supportive of FWS' broader international conservation and wildlife law enforcement work.
- Some Members have sought to limit FWS authority to restrict elephant ivory trade.

## **III. RECENT CONGRESSIONAL ACTIVITY**

- In the 115<sup>th</sup> Congress, there have been several bills introduced that address wildlife trafficking and international conservation, including:
  - H.R. 227, sponsored by Rep. Young (R-AK-AL) reauthorizes the Multinational Species Conservation Funds (Funds).
  - H.R. 1247, sponsored by Rep. Donovan (R-NY-11), and S. 480, sponsored by Sen. Portman (R-OH), reauthorize the Tiger Stamp.
  - S. 826, sponsored by Sen. Barrasso (R-WY), reauthorizes the Funds and creates a prize competition to address wildlife trafficking.
  - H.R. 226, sponsored by Rep. Young (R-AK-AL), would allow for the commercial trade of African elephant ivory.

## **IV. NEXT STEPS/OUTLOOK**

- The Task Force continues to implement the END Wildlife Trafficking Act. FWS and State have taken the lead in developing a list of countries of concern due to wildlife trafficking. This list will be included in a report due to Congress in early October.
- We expect less focus on wildlife trafficking issues in this Congress given the passage of the END Wildlife Trafficking Act in the 114<sup>th</sup> Congress. However, there are still Members who are focused on this issue who will pursue events, briefings, and additional legislation.
- In FY 2018, the Service requests \$8.9 million specifically dedicated for combating wildlife trafficking.

**BUREAU:** U.S. Fish and Wildlife Service (FWS)

**MEMBER:** Barrasso, Flake, Heinrich, Gardner, Stabenow, Franken, Wyden, Merkley, Udall, McCollum, Stewart, Pearce, Gosar, Bishop, Tipton, Bergman, Cheney, Rouzer

**ISSUE:** Wolves

## I. ISSUE BACKGROUND

- FWS believes the wolf is recovered under the ESA, and has attempted to delist it nationwide, except for the Mexican wolf and the red wolf subspecies.
- In 2014, final rules delisting **Gray wolves** in Wyoming and in the Western Great Lakes (WGL) were vacated by separate District Court judges; ESA protections were reinstated for these populations. FWS appealed both of these rulings.
- In March 2017, a court ruled in favor of FWS delisting WY wolves and, in April, the FWS reinstated its previous Wyoming delisting rule.
- In August 2017, a court ruled against FWS delisting of WGL wolves; Wolves remain federally endangered in WI and MI and threatened in MN.
- Wolves are under state management in eastern WA and OR, but wolves in the western portions of those states remain endangered, limiting management options.
- In January 2015, FWS separately listed the **Mexican wolf** as endangered and revised regulations for the nonessential experimental population under ESA section 10(j).
- In 2016, New Mexico sued FWS to enjoin release of Mexican wolves without state permits. An injunction was issued, but vacated upon appeal in April 2017. FWS is reviewing comments on the draft revised recovery plan for the Mexican wolf subspecies.
- **Red wolves** are listed as endangered and exist in the wild as a non-essential, experimental population (NEP) in eastern NC. In September 2016, after a review of the red wolf recovery program, FWS announced plans to propose changes to the NEP management, expand the captive population, and revise the recovery plan.

## II. POSITION of INTERESTED PARTIES

- (b) (5) DPP  
[REDACTED]

## III. RECENT CONGRESSIONAL ACTIVITY

- 115<sup>th</sup> Congress Legislation: S. 368, Requires revised recovery plan for Mexican wolves (Sen. Flake); S. 164 and H.R. 424, Reinstates FWS final rules delisting wolves in Wyoming and WGL (Sen. Barrasso and Reps. Cheney, Labrador, Simpson, Bergman). Similar language is included in sportsmen's legislation and the House appropriations bill.
- In July 2017, Acting FWS Director Sheehan testified in support of H.R. 424.
- In the 114<sup>th</sup> Congress, the House Natural Resources Committee held an oversight hearing on Federal management of gray, Mexican, and red wolves.
- Rep. Newhouse sought to delist wolves in OR, WA, UT, and NV in the 114<sup>th</sup> Congress.

## IV. NEXT STEPS/ OUTLOOK

- (b) (5) DPP  
[REDACTED]

**BUREAU:** U.S. Fish and Wildlife Service (FWS)  
**MEMBER:** Daines, Tester, Merkley, Kilmer, Simpson  
**ISSUE:** Dreissenid Mussel Discovery in Montana near Columbia River Headwaters

## **I. ISSUE BACKGROUND**

- Zebra mussels and quagga mussels (Dreissenids) have since spread throughout the Great Lakes region, south along the Mississippi River and to areas west of the Mississippi. In January 2007, the first population of Dreissenid mussels west of the 100th Meridian was discovered in Lake Mead. Both species are easily spread between water bodies by watercraft, and cause damage to water-based infrastructure that is estimated to be in the hundreds of millions of dollars.
- In October 2016, Dreissenids (microscopic larvae called veligers) were detected for the first time in the upper Missouri River Basin in Montana, near the headwaters of the Columbia River.

## **II. POSITION of INTERESTED PARTIES**

- The Montana Governor has declared an environmental disaster. The Idaho legislature and governor responded by enacting emergency state supplemental funding.
- The Montana Legislature called for development of the Upper Columbia Conservation Commission to address threats of Dreissenid mussels. DOI bureaus have been asked to participate.

## **III. RECENT CONGRESSIONAL ACTIVITY**

- The QZAP was developed by the Western Regional Panel and approved by the ANSTF in 2010, and is the Department of Interior (DOI) roadmap for this issue. The FWS works with other DOI Bureaus, the U.S. Army Corps of Engineers, States, and partners to support boat inspection and decontamination, early warning systems, and training.
- Congress has appropriated approximately \$2 million per year since FY 2010 to support this effort.

## **IV. NEXT STEPS**

- The FWS Region 6 dive team specializes in Dreissenid mussel detection. They deployed to both Canyon Ferry and Tiber Reservoirs in Montana as well as the Columbia River Basin Team rapid response test exercise in Washington.
- In FY16 and FY 17, FWS allocated about \$930,000 each year to partners through grants for projects to control the spread of invasive mussels in the western U.S. under the *Quagga-Zebra Mussel Action Plan for Western U.S. Waters (QZAP)*, with emphasis on containment and prevention. FY 2018 Budget Request included \$2 million for support.
- FWS delivers \$1 million of the QZAP funding to states and regional groups with Aquatic Nuisance Species (ANS) plans which have been signed by the respective governor and approved by the ANS Task Force (ANSTF). In FY17, each approved plan was awarded \$46,715. Montana received an additional \$16K from FWS R6 to support veliger detection.
- July 2017: DOI announced the “Safeguarding the West from Invasive Species” package to address the Columbia River Basin and other uninfested Western waters, to help better integrate government efforts to stop the spread of invasive mussels.

## Alaska Federal/State Wildlife Management

**Bureau:** National Park Service

**Member:** State Delegation

### Key Points:

- The NPS final rule implementing several changes in sport hunting practices allowed in Alaska's national preserves was published in the Federal Register on 9/15/15.
- Hunting practices that were prohibited include the take of brown and black bears over bait (including the use of human food and garbage), the take of bear cubs and sows at den sites while using artificial light, and the take of wolf and coyote pups during the denning season (May 1 - August 9).
- During a lengthy public comment process, about 120,000 comments were received. Over 99% of the comments favored the proposed rule.
- The vast majority of state hunting regulations, and all federal subsistence hunting in national preserves, were unchanged by the final rule.
- Alaska has about 21 million acres of national preserves open to sport hunting; all were established in 1980.

### Background:

- The final rule responded to changes in State of Alaska hunting regulations (which generally, but not exclusively, govern sport hunting on national preserves). NPS repeatedly requested the Alaska Board of Game to exempt national preserves from liberalized methods for taking predators, primarily wolves and bears.
- The board left the predator hunting methods in place, and NPS responded for several years with specific and repeated one-year prohibitions in preserves through Superintendent's Compendiums. The State suggested several times that restrictions were more appropriately addressed in federal rulemaking.
- After proposing this rule, NPS held 26 public hearings, as well as tribal government-to-government consultations, during the 121-day comment period.
- The State opposed the rule, asserting: (1) wildlife management and allocation of game in Alaska—including NPS preserves—should be the state's responsibility alone, and (2) federal action is only justified to maintain healthy or viable wildlife populations.
- The 2015 rule also implemented changes unrelated to the State's focus on predator reduction, including: a prohibition on intentionally obstructing or hindering people lawfully hunting or trapping; a simplified procedure for implementing closures or restrictions in NPS areas; an update of regulations to reflect federal assumption of the management of subsistence hunting and fishing from Alaska in the 1990s; an allowance for the use of native species as bait for fishing in accordance with applicable federal and non-conflicting State law; and, a prohibition on the sport hunting of swimming caribou, and on using dogs to assist in hunting black bears.

### Current Status:

- All elements of the final rule have been in effect since January 1, 2016.
- On January 13, 2017, the State, Safari Club, and Alaska Professional Hunters Association sued the NPS and the U.S. Fish & Wildlife Service, which had promulgated separate, but similar, regulations.

- In July 2017, the Department of the Interior instructed the NPS to revisit the 2015 rulemaking. A notice of intent was sent to the Department to announce the reconsideration of the 2015 rule and is expected to be published in the Federal Register sometime this fall.

**Contact:** NPS Acting Alaska Regional Director Joel Hard, 907-644-3510, joel\_hard@nps.gov  
**Last Updated:** October 4, 2017

## Arlington Memorial Bridge Rehabilitation

**Member:** Rep. Eleanor Holmes Norton (D-DC)  
**Park/Program:** George Washington Memorial Parkway

### Arlington Memorial Bridge Rehabilitation Project Update

- Without full rehabilitation, the Federal Highway Administration (FHWA) estimates that Arlington Memorial Bridge (AMB) will not be safe for traffic by 2021.
- NPS planned to complete the project in two phases at a total cost of \$262 million (Phase I: \$166 million, Phase II: \$96 million) with a construction duration of 4.35 years (or longer depending on availability of future appropriations).
- Due to favorable bid conditions, NPS anticipates awarding the full rehabilitation by November 2017 which will reduce the construction duration by 1.5 years and save \$35.05 million.

	<b>Phase 1 \$</b>	<b>Phase 1 %</b>	<b>Phase 2 \$</b>	<b>Total \$</b>
DOT FASTLane Grant	90,000,000	56%		90,000,000
DC and VA Transportation Funds			30,000,000	30,000,000
NPS Transportation Funds	36,800,000	23%	36,950,000	73,750,000
NPS Construction Funds	33,200,000	21%		33,200,000
<b>Total</b>	<b>160,000,000</b>	<b>100%</b>	<b>66,950,000</b>	<b>226,950,000</b>

- The NPS was awarded a \$90 million USDOT FY 2016 FASTLANE grant for Phase I. The grant can only fund up to 60 percent of the project, and requires at least 20 percent (Phase 1: \$33.2 million) be funded from sources other than Titles 23/49.
- NPS has received approval to reprogram \$15M from its FY17 Line Item Construction (LIC) program towards the non-Title 23/49 match requirement. The remaining \$18.2M has been submitted as NPS's top priority LIC project in in the President's FY18 Budget.
- The NPS plans to fund the balance of Phase I and to fund Phase II from FLTP, including \$30M from VA and DC transferred to NPS as required by the Consolidated Appropriations Act of 2017.

### Background

- The historic Arlington Memorial Bridge spanning the Potomac River in Washington DC was constructed in 1932 and is owned and maintained by the National Park Service. The structure serves as an iconic national treasure which links the west end of the National Mall with the Arlington Cemetery at the footstep of our Nation's Capital.
- This bridge is in the worst condition of all high volume urban federally owned bridges across the country (10,300 federally owned bridges). It is one of the highest traffic volume bridges and currently the most costly to rehabilitate. It is also one of the oldest bridges and is listed on the National Register of Historic Places.

### Current:

- The NPS has formulated a financial plan to award both phases by the absolute deadline of November 14<sup>th</sup>. Awarding by the deadline reducing the construction duration from 1550 days to 1,000 days,<sup>1</sup> approximately one and one-half years and saves \$35.05 million compared to original total project cost estimate.

**Contact Person:** Doug Jacobs, Associate Regional Director, National Capital Region,  
(202) 619-7038

**Last Updated:** October 3, 2017

<sup>1</sup> . The total contract duration would be 1000 calendar days if all of the options are awarded at the same time as the base contract. The maximum time could be increased by up to 550 days to allow for flexibility to award multiple options as funding becomes available, but is a trade-off delaying completion up to one and one-half years

## Centennial Summary and Achievements

**Bureau:** National Park Service  
**Member:** General Interest

### Key Points

- 2016 marked the 100th anniversary of the National Park Service (NPS), offering an opportunity expand public engagement and prepare for a new century of stewardship, preservation and conservation.
- The overarching goal of the NPS Centennial was to connect with and create the next generation of park visitors, supporters and advocates.
- NPS and the National Park Foundation launched the Find Your Park public awareness campaign in April 2015. No appropriated funds were used for the campaign.
- Additional major initiatives included the Every Kid in a Park program providing free access to parks for all 4<sup>th</sup> graders; and the Centennial Challenge program, which leveraged philanthropic funds to support improvement projects in parks.

### Background

- Throughout the centennial, NPS park partners, non-profit organizations, concessioners, and other stakeholders were engaged in our celebrations, national programs, and the Find Your Park campaign, including a representative stakeholder advisory group.
- More than 160 members of Congress joined the honorary Congressional Friends of the NPS Centennial to celebrate the NPS Centennial and public lands.
- The Find Your Park campaign had extensive media reach - 16.8 billion campaign impressions (print media, digital and social media, out-of-home media such as billboards, media coverage, etc.), and one in four millennials recalled seeing Find Your Park.
- Visitation to national park in 2016 increased by 7.7% over 2015, and digital followers of NPS and NPF national accounts totaled more than 1.3 million since spring of 2015.
- In 2016, more than 180 youth interns served as Centennial Volunteer Ambassadors, working in parks and programs across the country.

### Current Status:

- More than 100,000 Every Kid in a Park passes were redeemed at NPS sites in FY 2016 and 198,000 in FY 2017 as of August 31.
- The successful Centennial Volunteer Ambassadors program is continuing -- they are now called Community Volunteer Ambassadors.
- In FY 2017, \$20 million was appropriated for the Centennial Challenge program, which will build on the previous year's successes leveraging \$35 million in non-federal philanthropic support.
- The Find Your Park campaign is continuing in 2017 and 2018 focusing on building awareness for lesser-known parks and stories throughout the system.
- While the 2017 numbers won't be confirmed until next year, visitation appears to be up in many parks again this year.

**Contact:** Jeff Reinbold, NPS Assistant Director for Partnerships and Civic Engagement, (202) 208-2532, [jeff\\_reinbold@nps.gov](mailto:jeff_reinbold@nps.gov); and April Slayton, NPS Assistant Director for Communications (202) 208-4995, [april\\_slayton@nps.gov](mailto:april_slayton@nps.gov)

**Last Updated:** October 2, 2017

## **Deferred Maintenance (Maintenance Backlog)**

**Bureau:** National Park Service  
**Member:** General Interest

### **Key Points:**

- The NPS owns and/or manages approximately 76,000 constructed assets valued at more than \$157 billion. Many of these assets date back several decades and were constructed by the Civilian Conservation Corps or through the Mission 66 program. 51% of the asset portfolio was constructed prior to 1966.
- As of September 30, 2016, the deferred maintenance backlog is approximately \$11.3 billion. Approximately 44% of the total asset portfolio has no reported deferred maintenance and over 50% of the cataloged deferred maintenance is associated with transportation assets.
- Approximately 70-80% of the total cost of ownership for a facility asset is found in operations and maintenance and restoration and disposal activities. Only 20-30% of the total cost of ownership is reflected in initial design and construction of the asset.

### **Background:**

- The NPS completed implementation of an enterprise asset management program in 2003. This system catalogs the portfolio of real property asset across the National Park System and identifies work requirements (including deferred maintenance) through a work order structure. Most assets are identified in the system using industry standard “asset categories,” however, over 18,000 relatively unique features such as monuments, fortifications, and picnic areas are also catalogued.
- In FY 2012, the NPS implemented the Capital Investment Strategy which directs limited appropriated resources toward the highest priority assets to improve their condition.
- NPS has prioritized facility assets in “bands” based on relative importance in meeting mission objectives. Approximately 1/3 of NPS total assets have been determined to be critical or very important to meeting mission and/or park operational needs. The deferred maintenance for these assets is valued at \$8.3 billion.
- Since 1980, 4,572 assets with a deferred maintenance value of \$862 million were added to the inventory. Most of these assets were acquired through the addition of new parks.

### **Current Status:**

- In FY 2017, the NPS invested over \$700 million across the system to address facility repair and improvement needs. This includes funds from the Highway Trust Fund through the US Department of Transportation directed at transportation assets.
- Other deliberate efforts by the NPS to more effectively manage the maintenance backlog have included disposition of assets, utilization of leasing authorities, philanthropic efforts, a focused commitment from fee revenues, and assuring deferred maintenance is addressed by concession operators for assigned facilities.

**Contacts:** Shawn Benge, NPS Associate Director - Park Planning, Facilities, and Lands, (202) 219-3417, shawn\_benge@nps.gov; or Jessica Bowron, NPS Comptroller, (202) 513-7138, jessica\_bowron@nps.gov

**Last Updated:** October 4, 2017

## Everglades Ecosystem Restoration

**Bureau:** National Park Service  
**Member:** General Interest

### Key Points:

- Interagency activities for restoration of the Everglades have been underway since the 1970s.
- These are large scale, long-term water management projects—such as the Modified Water Deliveries (MWD) project and the Canal 111 (C-111) South Dade project—approved by Congress in 1989, and the Tamiami Trail Next Steps project in 2011.
- Similar large scale water quality treatment projects (focused on reducing nutrients entering the Everglades) began in 1994 following the settlement of a 1988 federal lawsuit.
- In 1996, Congress created the South Florida Ecosystem Restoration Task Force in recognition of the magnitude of the restoration problems and the critical importance of partnerships with federal, state, tribal, and local governments.
- These initial efforts led to passage of the Comprehensive Everglades Restoration Plan (CERP), a collection of over 50 infrastructure projects developed over decades of collaboration by scientists, policy makers, and affiliated stakeholders.
- CERP is a watershed-scale federal & state partnership to restore/preserve/protect the south Florida ecosystem and sustain water supply & flood protection for South Florida's economy.

### Background:

- Expanding urban and agricultural development since the 1880s reduced the natural Everglades ecosystem to half of its original size; restoring water depths, flooding durations, and water quality will help to preserve the remaining native habitats and species.
- Restoration efforts also help sustain system-wide water availability, making south Florida more resilient to rainfall variations, sea level rise, and salt water intrusion.

### Current Status:

- Several foundation projects—such as the MWD, C-111, and Tamiami Trail Next Steps Phase I projects—are scheduled to be complete between 2018 and 2020.
- The first phase of water quality improvements was completed in 2012, and the second phase, the Restoration Strategies project, will have construction complete in 2025.
- CERP infrastructure projects have been approved by Congress in phases: four 1<sup>st</sup> Generation CERP projects were approved in 2007; four 2<sup>nd</sup> Generation CERP projects were approved in the 2014; and two 3<sup>rd</sup> Generation CERP projects were just approved in 2016.
- The recently authorized Central Everglades Planning Project (CEPP) will reduce harmful discharges to the northern estuaries by redirecting flows from Lake Okeechobee southward back into the Everglades, but is dependent on DOI's completion of the Tamiami Trail Next Steps Phase II project.
- The current estimated total cost for the combined CERP and non-CERP projects is approximately \$19 billion, with construction extending into the 2040s.

**Contacts:** Pedro Ramos, Superintendent, Everglades and Dry Tortugas National Parks, 305-242-7712, [Pedro\\_Ramos@nps.gov](mailto:Pedro_Ramos@nps.gov); Robert Johnson, Director, South Florida Natural Resources Center, 305-224-4240, [Robert\\_Johnson@nps.gov](mailto:Robert_Johnson@nps.gov)

**Last Updated:** October 2, 2017

## FY 2018 Budget Overview, National Park Service

### Key Points

- The FY 2018 President's Budget Request for NPS discretionary funding is \$2.55 billion, a \$378.5 million, and 12.9 percent decrease from FY 2017 enacted.
  - NPS budget priorities balance daily park and program operations with long-term investments. Park operations continue to be strained by increasing visitation and other responsibilities, compounded by years of fixed cost absorption and FTE losses. Despite recent funding increases that have supported long-term priorities, primarily deferred maintenance, the NPS still lacks sufficient funds to maintain its large portfolio of assets and to make substantial gains on its \$11.3 billion deferred maintenance backlog.
  - Decreases include reductions to all parks and program management (-\$148.0 million), maintenance project funding (-\$42.1 million), non-maintenance project funding (-\$30.7 million), historic preservation grant funding (-\$29.8 million) and land acquisition funding (-\$28.8 million), as well as elimination of funding for National Heritage Areas (-\$18.8 million).
  - Increases include +\$14.2 million to support construction projects, planning and execution, +\$8.0 million for direct support for Abandoned Mineral Land and Demolition/Disposal projects, +\$25.7 million for fixed costs, and +\$1.1 million for responsibilities at newly established units.
  - The request funds 7.2 percent fewer FTE (-1,410) than FY 2017 actual usage. Since 2011, the NPS workforce has decreased by 11 percent, while visitation has increased by 19 percent.
  - The budget also proposes a shift of \$90 million from discretionary to mandatory funding for State conservation grants.
  - In order to meet reduced funding levels, many parks would need to reduce services that impact the visitor experience. This may include shorter seasons, reduced operating hours at visitor centers, fewer seasonal rangers to interact with the public, and diminished capacity for resource and visitor protection. As a result, the NPS expects moderate declines in performance metrics on natural and cultural resource stewardship, and visitor satisfaction.
- The House of Representatives passed H.R. 3354 on September 14, 2017, that would provide FY 2018 appropriations for the NPS. Senate action on the bill has yet to occur.
  - The NPS would receive discretionary appropriations of \$2.89 billion, a decrease of \$44.8 million (-1.5 percent) from the FY 2017 Enacted level of \$2.93 billion. The bill is \$333.7 million (13.1 percent) above the FY 2018 President's Budget request of \$2.55 billion.
- The National Park Service Centennial Act (P.L. 114-289) created several authorities relating to permanent appropriations that the NPS is currently implementing.
  - The National Park Foundation will create an endowment to which \$10 million of recreation fee revenue from the sale of Senior Passes will be deposited annually, to fund activities that further the mission and purposes of the NPS.
  - Senior Pass revenues in excess of \$10 million will go to a newly established National Park Centennial Challenge Fund, to be the Federal match to leverage private sector partnership that fund signature projects and programs. The budget estimates the Federal match at \$15.0 million in 2018.

- The Visitor Experience Improvement Authority allows the NPS to award commercial services contracts whose proceeds will go to a revolving fund supporting management and enhancement of commercial visitor services and facilities, as well as payment of possessory interest and leasehold surrender interest.

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**Last Updated:** October 3, 2017

### **FY 2018 Budget Overview, National Park Service (cont.)**

#### **Background**

The National Park Service budget contains six discretionary appropriations and an annual proposal to rescind contract authority. The NPS also has several major permanent appropriations and two major allocation accounts. Finally, the NPS has offsetting collections and reimbursable activity. The major appropriations and allocations are described in greater detail below.

#### **Discretionary Appropriations**

<b>National Park Service (\$000) – Discretionary Appropriations</b>	<b>FY 2016 Actual</b>	<b>FY 2017 Enacted</b>	<b>FY 2018 President’s Budget</b>	<b>FY 2018 House Mark</b>
Operation of the National Park System	2,369,596	2,425,018	2,225,485	2,421,723
Centennial Challenge	15,000	20,000	14,971	15,000
National Recreation and Preservation	62,632	62,638	37,001	59,629
Historic Preservation Fund	65,410	80,910	51,100	82,910
Construction	192,937	209,353	226,529	219,844
Land Acquisition and State Assistance	173,670	162,029	26,380	116,075
LWCF Contract Authority Rescission	-27,960	-28,000	-28,020	-28,020
<b>Total, Discretionary Budget Authority</b>	<b>2,851,285</b>	<b>2,931,948</b>	<b>2,553,446</b>	<b>2,887,161</b>

The **Operation of the National Park System (ONPS)** appropriation supports the operations of our Nation’s national parks, trails, wild and scenic rivers, and central support offices. Funding covers all aspects of park operations and is classified under distinct budget activities comprising the major components of the ONPS appropriation. These include Park Management and External Administrative Costs.

The **Park Management** activity covers the management and operation of park areas and servicewide programs, supporting recurring operations and competitive project funding. This activity contains the following subactivities, and the funding is allocated according to the NPS Park and Program Summary, which is included in the FY 2018 Budget Justification:

- **Resource Stewardship** encompasses natural and cultural resource management, as well as funding for restoration of the Everglades ecosystem.

- **Visitor Services** includes educational and interpretive programs and the management of commercial services to enhance the visitor’s experience.
- **Park Protection** provides for the protection of park resources, visitors, and staff, including the United States Park Police and public health operations.
- **Facility Operations and Maintenance** encompasses the operations and maintenance of buildings, and other facilities.
- **Park Support** covers the management, oversight, internal controls and administrative operations for park areas, and servicewide programs.

The **External Administrative Costs** activity provides for administrative support requirements primarily determined by parties outside the NPS and managed centrally to ensure performance efficiency. These support all activities and programs of the NPS and include worker’s compensation payments, GSA office space leases, the DOI Working Capital Fund, and others.

The **Centennial Challenge** appropriation leverages federal funding at least 1:1 with non-federal donations to accomplish projects that reduce deferred maintenance, enhance visitor services, and improve natural and cultural resource protection at national parks.

The **National Recreation and Preservation (NR&P)** appropriation is the backbone of the NPS technical and financial assistance programs. The collection of relatively small programs reaches broadly to support natural and cultural resource preservation and recreation. Each of the programs is focused on different resources and needs, largely outside the National Park System.

The **Historic Preservation Fund (HPF)** appropriation supports grant programs to state historic preservation offices (SHPOs), Tribal historic preservation offices (THPOs), and others, to facilitate the preservation of the nation’s historic and cultural resources. This appropriation is funded by the Historic Preservation Fund.

The **Construction** appropriation provides for major maintenance and rehabilitation of park facilities and infrastructure, including compliance, design, and support to carry out large-scale asset management and infrastructure investment, as well as Congressionally-directed resource studies and planning for parks and programs.

The **Land Acquisition and State Assistance (LASA)** appropriation, funded by the Land and Water Conservation Fund (LWCF), provides for the acquisition of land and interests in land to preserve the values of congressionally authorized areas within the National Park System for public use and enjoyment. It also supports partnerships with state and local agencies through grants to create and protect a nationwide system of public spaces. These complement the mission of the NPS by providing educational, recreational, and conservation benefits to the public.

**Permanent Appropriations**

<b>National Park Service Permanent Appropriations (\$000)</b>	<b>FY 2016 Actual</b>	<b>FY 2017 Estimate</b>	<b>FY 2018 Estimate</b>
Recreation Fee Permanent Appropriation	290,682	281,900	285,078
Other Permanent Appropriations	201,263	208,487	213,011
Miscellaneous Trust Funds	56,128	75,003	71,003
Land Acquisition and State Assistance - GOMESA	89	319	0

Land Acquisition and State Assistance - Mandatory	0	0	90,000
Construction Mandatory - Helium Act	0	0	20,000
LWCF Contract Authority	27,960	27,960	28,020
<b>Total, Discretionary Budget Authority</b>	<b>576,122</b>	<b>593,669</b>	<b>707,112</b>

The **Recreation Fee Permanent Appropriation** includes several permanent authorities, most notably the recreation entrance and use fees authorized by the Federal Lands Recreation Enhancement Act (FLREA, P.L. 108-447) in 2005. The FY 2018 budget proposes appropriations language to extend this authorization through FY 2019 and a legislative proposal for permanent reauthorization. Fee revenues are used for high-priority visitor service and facility maintenance projects. Up to 80 percent may be retained for use by the collecting park, with the remainder for servicewide use. Beginning in FY 2018, NPS policy will be to dedicate at least 55 percent of retained revenue to projects that address deferred maintenance and related infrastructure needs.

The **Other Permanent Appropriations** include permanent authorities largely derived from receipt sources. These include park concession franchise fees and improvement accounts, the park buildings lease and maintenance fund, operation and maintenance of quarters, and special use fees. These also include contributions for US Park Police annuity benefits, made from a permanent, indefinite appropriation at the Treasury Department.

The **Miscellaneous Trust Funds** include donated funds consistent with legislative authority and the wishes of the grantors for federally matched signature projects and programs, non-matched donated funds consistent with legislative authority and grantor wishes, and funds to preserve the birthplace of Abraham Lincoln available from an endowment established for that purpose.

The **Mandatory Construction – Helium** account was established by the Helium Stewardship Act of 2013 (P.L. 113-40). It authorized mandatory funding in FY 2018 and FY 2019 to support the federal share of deferred maintenance and other infrastructure deficiency projects; projects require a minimum 1:1 non-federal match.

The **Mandatory Land Acquisition and State Assistance – GOMESA** is funded by qualified Outer Continental Shelf lease revenues, including revenue from a small portion of the Gulf of Mexico that was newly opened for leasing by the Gulf of Mexico Energy Security Act (GOMESA, P.L. 109-432). The FY 2018 President’s Budget proposes to replace the formula for allocating receipts to the LWCF State Grants program established by GOMESA with a comparable permanent appropriation, derived from the LWCF, of \$90.0 million in 2018.

#### **Allocation Accounts**

Obligations incurred under allocations from other accounts are included in the schedules of the parent appropriations. The NPS’ major allocation accounts are Transportation and Wildland Fire.

The **Federal Lands Transportation Program** was continued under the 2015 FAST Act, including increased funding for the NPS program. The NPS received an allocation of \$276 million in FY 2017, up from \$240 million in prior years. The authorization will rise incrementally to \$300 million over the life of the FAST Act, through 2020.

The NPS receives an allocation from the **DOI Wildland Fire Management** appropriation; funds support fire management programs at NPS units, as well as central office management. Major programs include Preparedness and Hazardous Fuels Reduction, which support operations and planned projects, as well as Suppression, which funds NPS response to wildfires.

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## LWCF - Federal Land Acquisition

**Bureau:** National Park Service  
**Member:** General Interest

### Key Points:

- The NPS Federal Land Acquisition program is funded by the Land and Water Conservation Fund (LWCF). Although funding for the LWCF, derived from Outer Continental Shelf (OCS) mineral leasing receipts, is authorized at \$900 million annually it requires an annual appropriation to be utilized.
- The LWCF expired on September 30, 2015, but was extended for 3 years in the Consolidated Appropriations Act, 2016, until September 30, 2018. In FY 2018, the Departments of the Interior and Agriculture will review options for reauthorization.
- NPS Federal acquisition of land or interests in land must be within a park's authorized boundary and owner willingness to sell cannot be definitively determined until the United States obtains an appraisal, tenders an offer to the owner (to acquire the land or interest in land), and completes negotiations with the owner.
- The NPS maintains a list of lands that have been identified for acquisition through the General Management Plan and Land Protection Plan process. As of November 2016, the land acquisition backlog of funding needs totals \$2.1562 billion for 1,603,758 acres in 12,111 tracts.

### Background:

- The backlog is a list of privately owned lands within authorized boundaries of the National Park System that have been identified for acquisition and for which appropriated funds are not available.
- The backlog lists only those acres and tracts for which the plans recommend purchase.
- Lands expected to be acquired by donation/exchange are omitted from the backlog, as are privately owned lands that are, at present, adequately protected.
- The major criteria used to prioritize land acquisitions are: threat to the resource; preservation of the resource; visitor use facility accommodation; commitment has been made to acquire; involvement of partners, non-profit groups, or availability of matching funds; continuation of an ongoing effort; recreational opportunities; hardship of the owner; existence of legislative authority to acquire; local and congressional support for the project; ability to obligate appropriated funds; regional priority of the project; economic escalation or inflation factors; and the type of the unit.

### Current Status:

- The backlog is continually changing due to acquisitions of land, changes in use from compatible to incompatible, boundary expansions, and new units being created.
- Currently, there is no project funding for FY 2018.
- If the FY 2018 proposal is approved, mandatory LWCF funding would also be provided for non-Federal land acquisition programs: State Conservation Grants, the American Battlefield Protection Program land acquisition grants, and the Urban Parks and Recreation Recovery grants.

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## LWCF - State Conservation Grants Program

**Bureau:** National Park Service  
**Member:** General Interest

### Key Points:

- The LWCF State Conservation Grants Program provides matching grants (50/50) to States and Territories (and through states to local units of government) to plan, acquire, and develop public lands for outdoor recreation purposes to improve quality of life and the health and vitality of present and future generations.
- Starting in 2009, LWCF appropriations for this program have been supplemented by revenues from certain Outer Continental Shelf (OCS) oil and gas leases in the Gulf of Mexico (GOMESA, P.L. 109-432). The NPS State Conservation Grants Federal Land Acquisition program is funded by the Land and Water Conservation Fund (LWCF). Although funding for the LWCF, derived from Outer Continental Shelf mineral leasing receipts, is authorized at \$900 million annually, it requires annual appropriation.
- Under this Act, 12.5% of OCS revenues are distributed to states for conservation purposes through the State Conservation Grants program. GOMESA receipts are projected to increase significantly from nearly \$310,000 in 2017 to \$70.0 million in 2018 due to expanded leasing in the Gulf of Mexico, and are expected to reach \$125 million annually in the out years.
- Market fluctuations and difficulties predicting receipt totals has resulted in a proposal included in the FY 2018 budget to replace the formula for allocating receipts to the LWCF State Grants program established by GOMESA with a comparable permanent appropriation, derived from the LWCF, of \$90.0 million in 2018, increasing to \$125.0 million in 2022 and each year thereafter.
- All grant-assisted parks are protected from conversion to non-recreation uses in perpetuity unless approved by the Secretary under specific conditions.

### Background:

- Since 1965, over 43,000 projects have been approved, awarding over \$4.1 billion in federal financial assistance to State and local recipients.
- More than 30,000 public park areas will be monitored in partnership with the States to ensure continued public use and accessibility, and an estimated 50-75 parkland conversions authorized by Section 6(f)(3) of the LWCF Act will be resolved in FY 2017. Across the country there are increasing pressures to convert parkland to other uses.
- In FY 2017, in partnership with the States and Territories, NPS awarded 333 individual Grant Awards totaling \$75.2 million in federal LWCF funding. Of the individual grants awarded, the majority, 86%, are for development or rehabilitation of outdoor recreation facilities, while 10% will be used to acquire recreational lands and 4% will support statewide recreation planning efforts.

### Current Status:

- For FY 2018 the President has requested \$90.0 million for the State Conservation Grants Program (a decrease of \$16.6 million from FY17 requested/enacted) and included a proposal to shift funding from discretionary to mandatory appropriations.

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## Newly Established Units

**Bureau:** National Park Service

**Member:** General Interest

### Key Points

- The NPS is taking a deliberate approach to developing operations at its newest units, as compared to past political and budget environments.
- In the first budget request following creation of a new unit, the NPS typically requests \$180,000 to support a superintendent or site manager and basic start-up costs. Until Congress appropriates funding for new units, the NPS will not begin operating the new units in the traditional sense. Employees from the regional office or neighboring parks may be detailed in to provide intermediate support, but permanent, long-term operations do not begin.
- Since 2000, 39 new units have been established in the national park system; of which 19 have been designated through a Presidential Proclamation citing the authority promulgated in the Antiquities Act (54 USC 320301).

### Background

- Assuming Congress funds the \$180,000 as requested, the new superintendent/site manager position will then begin developing the plan to build permanent operations, including identification of investments needed with one-time project funds.
- The delay between creation of a new unit and permanent funding for expected operations often causes frustration with stakeholders and partners of the new units.
- As more new units have been added to the System, the NPS has prioritized stair-step increases in operational funds for new units to ensure they reach minimal operating levels; this has been done at the expense of other parks and program needs within tight budgets for operational funding.
- Since 2000, 39 new units have been established in the national park system; of these, 19 have been designated through the Antiquities Act, including 15 since 2009: Fort Monroe, Harriet Tubman Underground Railroad, Cesar E. Chavez, First State, Charles Young Buffalo Soldiers, Pullman, Honouliuli, Waco Mammoth, Castle Mountains, Belmont-Paul Women's Equality, Stonewall, Katahdin Woods and Waters, Birmingham Civil Rights, Freedom Riders, and Reconstruction Era National Monuments.
- These new national park units seek to connect with new audiences as the units often represent untold stories of American history; they commemorate specific events (Freedom Riders NM), influential Americans (Cesar E. Chavez and Charles Young Buffalo Soldiers NMs), or entire movements (Belmont-Paul Women's Equality and Stonewall NMs). Issues range from farm workers' rights; to the first American colony; to the fight for equal rights for African Americans, the LGBT community, and women.
- To reduce the burden on the federal government, many of the recently authorized units are managed in cooperation with partners. For example, Manhattan Project NHP located in New Mexico, Tennessee, and Washington, tells the story of the people, events, science, and engineering that led to the creation of the atomic bomb, is managed in partnership with the Department of Energy. Additionally, Harriet Tubman Underground Railroad NHP in Maryland, which tells the story of one woman's role in an entire movement to guide enslaved people north to freedom, is managed in partnership with the state of Maryland.

**Current Status**

- The FY 2018 President's Budget requested \$1.1 million in funding for initial support (\$180,000 each) for Birmingham Civil Rights, Castle Mountains, Freedom Riders, Katahdin Woods and Waters, Reconstruction Era, and Stonewall national monuments; all of which were authorized or established after the FY 2017 President's Budget Request was published in February 2016.
- As of October 2017, there are 23 pending Special Resource Studies that are evaluating the feasibility of new park units. Congress directs NPS through legislation to undertake studies of sites to provide analysis about the resource qualities at the site and alternatives for protection. The special resource and other study processes are designed to provide Congress with information used in the legislative process of designating a new unit.

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**Last Updated:** October 3, 2017

Unit Name	Date Established	Authority	FY 2016 Enacted (\$000)	FY 2017 Enacted (\$000)	FY 2018 Request (\$000)
First Ladies NHS	Oct. 2000	P.L. 106-291	1,010	1,011	934
Rosie the Riveter/WWII Home Front NHP	Oct. 2000	P.L. 106-352	1,313	1,323	1,240
Great Sand Dunes National Preserve	Nov. 2000	P.L. 106-530	2,344	2,352	2,203
Virgin Islands Coral Reef NM	Jan. 2001	Proclamation 7399	454	455	427
Governor's Island NM	Jan. 2001	Proclamation 7402	1,514	1,520	1,418
Minidoka NHS	Sep. 2001	Proclamation 7395	459	460	431
Craters of the Moon NPres	Aug. 2002	P.L. 107-213	1,620	1,625	1,522
Flight 93 NMem	Sept. 2002	P.L. 107-226	1,577	1,582	1,485
Cedar Creek and Belle Grove NHP	Dec. 2002	P.L. 107-373	889	894	835
World War II Memorial <sup>2</sup>	May 2004	P.L. 107- 011	35,048	35,193	32,980
Carter G. Woodson Home NHS <sup>1</sup>	Feb. 2006	P.L. 108-192	16,676	16,750	15,670
African Burial Ground NM	Feb. 2006	Proclamation 7984	1,985	1,989	1,847
Sand Creek Massacre NHS	Apr. 2007	P.L. 106-464	891	894	836
Port Chicago Naval Magazine NM	Oct. 2009	P.L. 111-84	195	297	277
River Raisin NBP	Oct. 2010	P.L. 111-11	677	881	822
President William Jefferson Clinton Birthplace Home NHS	Dec. 2010	P.L. 111-11	458	750	700
Martin Luther King, Jr. Memorial <sup>2</sup>	Feb. 2011	P.L. 104-333	35,048	35,193	32,980
Fort Monroe NM	Nov. 2011	Proclamation 8750	509	1,000	925
Paterson Great Falls NHP	Nov. 2011	P.L. 111-11	579	894	832
César E. Chávez NM	Oct. 2012	Proclamation 8884	369	371	345
Charles Young Buffalo Soldiers NM	Mar. 2013	Proclamation 8945	510	663	614
First State NM	Mar. 2013	Proclamation 8944	364	716	666
Harriet Tubman Underground Railroad NM <sup>3</sup>	Mar. 2013	Proclamation 8943	594	705	652
Tule Springs Fossil Beds NM	Dec. 2014	P.L. 113-291	226	537	499
Blackstone River Valley NHP	Dec. 2014	P.L. 113-291	929	931	865
Valles Caldera NPres	Dec. 2014	P.L. 113-291	3,354	3,366	3,141
World War I Memorial <sup>2</sup>	Dec. 2014	P.L. 113-291	35,048	35,193	32,980
Pullman NM	Feb. 2015	Proclamation 9233	180	571	533
Honouliuli NM	Feb. 2015	Proclamation 9234	209	346	321
Waco Mammoth NM	Jul. 2015	Proclamation 9299	180	375	348
Manhattan Project NHP	Nov. 2015	P.L. 113-291	341	691	639
Castle Mountains NM	Feb. 2016	Proclamation 9394	N/A	N/A	180
Belmont-Paul Women's Equality NM <sup>2,4</sup>	Apr. 2016	Proclamation 9423	35,048	35,193	32,980
Stonewall NM	Jun. 2016	Proclamation 9465	N/A	N/A	180
Katahdin Woods and Waters NM	Aug. 2016	Proclamation 9476	N/A	N/A	180
Harriet Tubman NHP <sup>3</sup>	Jan. 2017	P.L. 113-291	594	705	652
Birmingham Civil Rights NM	Jan. 2017	Proclamation 9565	N/A	N/A	180
Freedom Riders NM	Jan. 2017	Proclamation 9566	N/A	N/A	180
Reconstruction Era NM	Jan. 2017	Proclamation 9567	N/A	N/A	180

<sup>1</sup> This unit is a site within National Capital Parks-East for which site-level budget data is not available. The total for National Capital Parks-East is presented here.

<sup>2</sup> These units are sites within the National Mall & Memorial Parks for which site-level budget data is not available. The total for the National Mall & Memorial Parks is presented here.

<sup>3</sup> In the FY 2018 President's Request, funding information for Harriet Tubman Underground Railroad NM and Harriet Tubman NHP were shown on the same row.

<sup>4</sup> Formerly designated Sewall-Belmont NHS, an affiliated area of the National Park System.

## Partnerships & Philanthropy

**Bureau:** National Park Service

**Member:** General Interest

### Key Points

- The NPS accomplishes much of its mission through partnerships with individuals; organizations; tribal, state, and local governments; and other federal agencies, and with philanthropic support.
- By entering into public-private partnerships, the NPS receives valuable assistance in the form of educational programs, visitor services, recreation, search-and-rescue operations, habitat restoration, scientific and scholarly research, ecosystem management, cooperative management, and a host of other activities.
- Philanthropic support is an important supplement—not a replacement—for federal appropriations. It comes in the form of donated funds, and as volunteerism, in-kind support, and the donation of talent to supplement the work of NPS employees.
- Philanthropic support allows the NPS to react more quickly to resource protection or visitor needs than typical federal funding cycles may permit.
- The recent NPS Centennial and the accompanying fundraising and “Find Your Park” marketing campaigns have increased interest in partnering with/donating to the NPS.
- The release of “Director’s Order 21: Donations and Philanthropic Partnerships” on December 28, 2016, has made it easier for the NPS to work with a broader range of philanthropic partners. The NPS is also exploring new ways to expand its public private partnerships beyond philanthropy.

### Background

- Over the last 100 years, private philanthropy has played a major role in creating and improving parks and programs. This support often comes from individuals, corporations, foundations, or non-profit Friends Groups who fundraise on behalf of the NPS. In 2016, the 212 Friends Groups provided over \$300 million in support to the NPS.
- High profile parks are often able to develop successful philanthropic or public-private partnerships to assist in the accomplishment of the NPS mission. The NPS is exploring new models for attracting outside support and gaining access to private sector insights and investment so more parks and programs may benefit.

### Current Status

- The NPS is working with the DOI Solicitor’s Office and Ethics Office to provide guidance on the most common questions raised by NPS employees engaged in philanthropy and partnerships.
- The reference manual that accompanies DO-21 will be developed throughout 2017. The manual will provide information to implement DO-21.
- The NPS is developing new “collaborative clinics” and partnership training workshops to improve employee proficiency in working with partners and funders.

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**Last Updated:** October 5, 2017

## Sexual Harassment Response

**Bureau:** National Park Service  
**Member:** General Interest

### Key Points:

- Since November 2016, the Office of Inspector General (OIG) issued several reports related to sexual harassment and retaliation in the National Park Service
- The results from the winter Work Environment Survey indicate that 17.6% of women in the NPS experienced sexual harassment in the last year; this statistic mirrors findings from a 2016 MSPB study where 18% of females reported being harassed
- The NPS will implement key actions to ensure a sustained and comprehensive response to prevent and respond to cases of sexual harassment.

### Background:

- The following actions have occurred in the last 16 months
  - The NPS Equal Employment Opportunity now reports to the NPS Director.
  - All managers were required to take Prohibited Personnel Practices and Whistleblower training by June 15<sup>th</sup>. All employees were required to complete online sexual harassment awareness and NO FEAR Act training by the end of 2017.
  - Two Ombuds have gathered 1,700 comments from 650 employees.
  - A comprehensive Work Environment Survey was issued to all employees.
  - The NPS created the Women's Employee Resource Group (WERG). This group provides peer support and offered bystander intervention training

### In the next 15 months:

- The results from the Workplace Environment Survey will be widely shared.
- A new anti-harassment Director's Order will be implemented that will clarify responsibilities and detail a consistent process to ensure accountability.
- All employees will receive training on how to report and respond to allegations of harassment in accordance with the new Director's Order and reference manual.
- All NPS managers will complete Civil Treatment for Leaders training.
- 13 sessions of Bystander Intervention training will be offered to 429 participants and 120 NPS employees will be trained to instruct Bystander Intervention training.
- 15 peer facilitators will conduct 150 listening sessions. Feedback from listening sessions will provide qualitative data to inform management decisions.
- Additional Employee Relations/Labor Relations and Ethics staff will be hired to increase capacity and ensure appropriate responses to incidents of harassment.
- NPS will develop a holistic data collection process and use this information to make data-driven decisions and track and share progress.
- NPS will create and provide materials to new and current employees about preventing and reporting harassment as part of a service-wide approach to consistent onboarding.

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