

# Coalition To Protect America's National Parks Weekly National Park System Report

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# **Incidents**

# Blue Ridge Parkway Man Found Guilty Of Killing Daughter In Park

Seth Willis Pickering, 38, pleaded guilty last Monday to first-degree murder for killing his six-year-old daughter, Lila Pickering, within the boundaries of Blue Ridge Parkway.

According to published reports, Pickering, who was not supposed to have unsupervised visits with the child, took her from her temporary custodian, setting off a search for the girl. Pickering stabbed his daughter in the heart as two park rangers approached a campsite on the parkway.

Pickering admitted to killing his daughter on September 9, 2016, and also admitted that he did so willfully, deliberately, maliciously, and with premeditation. Pickering's plea agreement, which the court has accepted, provides that the defendant will receive a sentence of life in prison without any possibility of parole for his crime. Pickering remains in federal custody. A sentencing date has not been set.

In making Monday's announcement U.S. Attorney Murray thanked the FBI, the National Park Service and the Buncombe County Sheriff's Office for their investigation of the case.

Source: Mcdowellnews.com story.

# Olympic National Park Two Men Sentenced For Theft Of Wood From Park

Two men have pleaded guilty to theft of timber from Olympic National Park and have been sentenced to serve prison time and pay restitution. A federal judge handed down the sentences at two recent court hearings.

The case dates from November, 2013, when three men entered the park at night and felled a big leaf maple tree. A witness who saw the men wearing headlamps and heard the sound of their chainsaws reported the incident to the park. A ranger responded the next day and found evidence of the crime. The witness again heard chainsaws the following night and again alerted the park; responding rangers found the three men cutting and loading the felled maple into a vehicle and arrested them.

An NPS special agent investigated and discovered a receipt that revealed that the men had sold the wood to an area music wood supplier ("music wood" is used to make instruments). Wood retrieved from that supplier matched the wood from the felled maple. The value of the wood was placed at nearly \$9,000.

Michael D. Welches, 63, will serve 30 days in prison, and Matthew Hutto, 50, will serve 60 days in prison. Hutto will then serve two years probation. Both men must also pay restitution in the amount of \$17,533. The third man involved in the crime is currently incarcerated on unrelated charges and is scheduled for sentencing at a later date.

Source: <u>US Attorney's Office for the Western District of Washington news release</u>.

### **News From Around Washington**

Reports from Capitol Hill, the White House, the Department of the Interior, the National Park Service and other related agencies and NGO's.

# Department of the Interior Secretary Promises Even More Changes In 2018

Secretary Zinke issued a one paragraph news release entitled "Promises Kept" on February 8th. Here it is in its entirety:

"At the Department of the Interior, we go to work every day for the American people. From California to Florida, to Alaska, to the Virgin Islands, we are listening to your voices and delivering on the promises we have made. All of us at Interior are working hard to deliver real, positive outcomes for real people across this great land. From public access to energy dominance, restoring trust, and regulatory relief, 2017 was an epic year at the Department, and we are just getting started."

Secretary Zinke did not clarify who the "real people" are, or just who is excluded from that group, but it would appear to be anyone who doesn't stand behind the president's agenda. Those people would therefore be the opposite of real people. A check of antonyms includes, of course, both "false" and "unreal," but also "counterfeit," "unreliable," "unfit," and "immaterial."

Source: **DOI** news release.

# Department of the Interior DOI Lists Ten Examples Of Sites With Infrastructure Needs - Seven Of Them NPS

The department has issued a news release in support of the administration's infrastructure proposal that provides ten examples of DOI sites needing extensive work. Seven of them are National Park Service areas – Great Smoky Mountains NP, Yosemite NP, Everglades NP, Dry Tortugas NP, Home of FDR NHS, Glacier NP, and Grand Canyon NP.

Here's the key paragraph in the release: "One of the many ways Interior is tackling its aging infrastructure needs is through the President's legislative proposal for a new Public Lands Infrastructure Fund. Using revenue produced by energy development on federal lands and waters, the fund would provide up to \$18 billion over the next 10 years for Interior's maintenance backlog in national parks, national wildlife refuges and Bureau of Indian Education schools."

Source: DOI news release.

# Capitol Hill Weekly Legislative Roundup

#### New Public Laws

On February 9th, the president signed into law H.R. 1892, to authorize the U.S. flag to fly at half-staff in the event of the death of a first responder who dies while serving in the line of duty. (P.L. 115-123). The bill includes the Bipartisan Budget Act of 2018 to increase domestic discretionary spending caps for FY 2018 and FY 2019, provides supplemental appropriations for areas impacted by recent hurricanes, and provides continuing appropriations for fiscal year 2018 for federal agencies, including

the Department of the Interior, through March 23, 2018. See the Weekly Legislative Roundup in <u>last</u> week's edition for particulars on H.R. 1892.

#### Senate

On February 12th, the president transmitted his FY 2019 Budget to the Senate. Here's a summary of those aspects of the budget pertaining to the NPS:

# • NPS Servicewide budget:

- ✓ The discretionary budget of the NPS, which supports 417 park units and numerous programs across the service, is proposed to be \$2.4 billion, a 17% decrease from the FY 2017 enacted budget and the FY 2018 continuing resolution appropriation, which translates into a cut just short of \$500 million.
- ✓ This \$2.4 billion proposal calls for a total of 17,685 FTEs, which is a reduction of 1,835 FTEs from current levels.
- ✓ If enacted, this budget request would result in reductions at all parks and all programs of NPS, resulting in fewer visitor services and less protection of park resources. The exception to this is the six newest parks that have never received their first base budget with the FY 2019 budget requesting \$180,000 each for these six a bare bones budget.
- ✓ Budget requires NPS to come up with \$22.2 million in administrative savings in FY 2019 on top of all the other cuts found in the budget.
- ✓ Budget includes \$900,000 for NPS' part of the Department's reorganization (this is a small portion of the \$17.5 million that DOI plans to spend on the reorganization.)

# Maintenance backlog:

- ✓ The administration is proposing the creation of a Public Lands Infrastructure Fund (PLIF), composed of 50% of revenue from energy and mineral development above a 2018 baseline number (unknown what that number is).
- ✓ The PLIF would help address the national parks maintenance backlog, a similar backlog in national wildlife refuges, and for Bureau of Indian Affairs schools. The Fund would be capped at \$18 billion.
- ✓ Legislation would need to be enacted by Congress to establish the PLIF. We have not seen the language for this proposed legislation.
- ✓ The construction budget request is \$241.3 million, which is \$33.4 million above the FY 2018 request one bright spot in the budget, although much less than needed to make a dent in the maintenance backlog (The National Parks Conservation Association estimates NPS needs over \$600 million annually just to ensure the backlog does not grow).

## • *Land acquisition:*

- ✓ No new federal land acquisition money is requested even though the Land and Water Conservation Fund has at least \$20 billion that has not been appropriated by Congress and there is a backlog of \$4 billion in lands to be acquired within the boundaries of existing parks.
- ✓ State grant funding from LWCF has been supplemented since 2009 with money from the Gulf of Mexico Energy Security Act (GOMESA). These GOMESA funds increased dramatically in FY 2017, and it is estimated that in FY 2019, there will be \$89.3 million available for state grants. Therefore, the administration is proposing no new state grant funding from LWCF in FY 2019 and will use only GOMESA funds for state grants, which would result in a reduction in state grant funding in FY 2019.

#### • *Historic Preservation Fund:*

✓ The budget request for the Historic Preservation Fund is \$32.7 million, despite the fact that another \$150 million will go into the Fund this fiscal year from OCS receipts and that there is a several billion surplus credited to the HPF, which Congress has not appropriated.

- Programs and grants eliminated in the budget Notable programs and grants zeroed out in FY 2019 budget:
  - ✓ Chesapeake Gateways and Water Trails program
  - ✓ Native American Graves Protection and Repatriation grants

  - ✓ Japanese American Confinement Sites grants✓ American Battlefield Protection Assistance grants
  - ✓ National Heritage Areas grants
  - ✓ Historically Black Colleges and Universities grants
  - ✓ Save America's Treasures grants
  - ✓ LWCF state grant program (Funded through GOMESA at lower level)

On February 13th, the Senate Committee on the Budget held a hearing on the President's FY 2019 proposed budget request.

On February 14th, the Senate confirmed the nomination of Margaret Weichert of Georgia to be deputy director for management, Office of Management and Budget.

On February 14th, the Senate Energy and Natural Resources Subcommittee on National Parks held a hearing on:

- S. 400, to establish the Susquehanna National Heritage Area, PA.
- S. 966, to establish a program to accurately document vehicles that were significant in the history of the United States.
- S. 1160, to include Livingston County, the city of Jonesboro in Union County, and the city of Freeport in Stephenson County, IL, to the Lincoln National Heritage Area.
- S. 2160 and H.R. 2615, to authorize the exchange of certain land located in Gulf Islands National Seashore, Jackson County, MS, between the National Park Service and the Veterans of Foreign Wars.
- S. 1335, to establish the Ste. Genevieve National Historic Site, MO.
- S. 1446 and H.R. 1135, to reauthorize the Historically Black Colleges and Universities Historic Preservation program.
- S. 1472, to reauthorize the Tennessee Civil War Heritage Area,
- S. 1573, to authorize the Secretary of the Interior and the Secretary of Agriculture to place signage on Federal land along the trail known as the "American Discovery Trail",
- S. 1602, to authorize the Secretary of the Interior to conduct a study to assess the suitability and feasibility of designating certain land as the Finger Lakes National Heritage Area, NY.
- S. 1645, to authorize the Secretary of the Interior to conduct a special resource study of P.S. 103 in West Baltimore, MD.
- S. 1646, to authorize the Secretary of the Interior to conduct a special resource study of President Station in Baltimore, MD.
- S. 1692, to authorize the National Emergency Medical Services Memorial Foundation to establish a commemorative work in the District of Columbia and its environs.
- S. 1956 and H.R. 2897, to authorize the Mayor of the District of Columbia and the Director of the National Park Service to enter into cooperative management agreements for the operation, maintenance, and management of units of the National Park System in the District of Columbia.
- S. 2102, to clarify the boundary of Acadia National Park, ME.
- S. 2213 and H.R. 4300, to authorize Pacific Historic Parks to establish a commemorative display to honor members of the United States Armed Forces who served in the Pacific Theater of World War II.
- S. 2225, to reauthorize the Blue Ridge National Heritage Area.
- S. 2238, to amend the Ohio & Erie Canal National Heritage Canalway Act of 1996 to repeal the funding limitation.

- H.R. 1397, to authorize a land exchange between the George Washington Memorial Parkway and the Turner-Fairbank Highway Research Center of the Federal Highway Administration to allow better access to the center:
- H.R. 1500, to redesignate the small triangular property located in Washington, DC, and designated by the National Park Service as reservation 302 as `Robert Emmet Park'.

P. Daniel Smith, deputy director, exercising the authority of the director of the National Park Service, was the witness for the Department of the Interior. Of interest in the testimony on several bills mentioned above, was the repeated statement that "in order to focus resources on reducing the National Park Service's \$11.6 billion deferred maintenance backlog and addressing other critical national park needs, funding for national heritage areas (or establishing a new park unit, or studying an area for potential addition to the National Park System) is not a priority in the Administration's FY 2018 or FY 2019 budget." Thus, the Department opposed S. 400, S. 966, S. 1160, S. 2235, S. 2238, S. 1335, S. 1573, S. 1602, and S. 1645.

The testimony on S. 1335, to establish the Ste. Genevieve National Historic Site, MO, was particularly interesting in that the position opposing the creation of the national historic site was completely the opposite of the testimony the department gave on a similar bill, H.R. 2888, when a hearing was held in the House Subcommittee on Federal Lands on November 15, 2017, just three months prior.

On February 14th, the Senate Committee on Homeland Security and Governmental Affairs approved, among other bills,

- H.R. 2229, to make permanent the authority for a federal employee (or applicant for federal
  employment) or the Office of Personnel Management to appeal, in any federal appeals court of
  competent jurisdiction, a final order or decision of the Merit Systems Protection Board on a
  claim alleging reprisal for making a protected disclosure (i.e., whistle-blowing) or for engaging
  in certain protected activities (e.g., refusing to obey an order that requires a violation of law).
- S. 2296, to require each federal agency to publish on the Internet website of that agency any guidance document issued by that agency during the 10-year period ending on the date of enactment of this Act.

On February 15th, the nomination of James Reilly, of Colorado, to be director of the United States Geological Survey, Department of the Interior, was submitted to the Senate.

#### House

On February 12th, the president transmitted his FY 2019 Budget to the House. See Senate action above, for further information about the budget.

On February 14th, the House Committee on the Budget held a hearing on the President's FY 2019 proposed budget request.

On February 14th, the House Committee on Natural Resources approved, among other bills:

- H.R. 835, to update the map of, and modify the maximum acreage available for inclusion in, the Florissant Fossil Beds National Monument;
- H.R. 4895, to establish the Medgar Evers Home National Monument in MS.

On February 15th, the House Natural Resources Subcommittee on Oversight and Investigations held a hearing entitled `The Costs of Denying Border Patrol Access: Our Environment and Security''. There was no witness from the Department of the Interior at the hearing.

On February 15th, the House Natural Resources Subcommittee on Federal Lands held a hearing, among other bills, on H.R. 4851, to establish the Kennedy–King National Historic Site in the State of Indiana, at the site in Indianapolis where Senator Robert F. Kennedy informed the crowd of the

assassination of Dr. Martin Luther King, Jr. There was no witness from the Department of the Interior at this hearing.

Source: Don Hellmann, former assistant director, legislative and congressional affairs for the National Park Service.

# Park People, Friends and Allies

# Yosemite National Park Passing Of Climber Jim Bridwell

On February 16th, *The New York Times* posted an obituary for Jim Bridwell, "a flamboyant and, some said, reckless climber who took daring routes up incredibly daunting mountains in Alaska, the Andes and, especially, Yosemite National Park."

Bridwell was well known to Yosemite rangers. He was "one of the central figures among the renegade climbers who populated Yosemite in the 1970s, a group that became known as the Stonemasters. Hippie climbers, they were sometimes called, because of their long hair, the loud music they played and the drugs they sometimes took."

Bridwell died of kidney failure and hepatitis C. Additional details on his climbing career can be found at the link below.

Source: New York Times story.

# **Reports and Releases**

A summary of recent news stories, web postings and agency press releases pertaining to the department, the Service, public lands and the environment.

#### **Administration**

**Temporary DOI Department Heads Acting Illegally** – Public Employees for Environmental Responsibility (PEER) has filed a complaint with the Department of Interior's Office of Inspector General, charging that DOI has violated the <u>Vacancies Reform Act</u>, which was enacted to prevent a president from circumventing the U.S. Senate's constitutional advice and consent power. PEER contends that the acting directors of the NPS, BLM and FWS are in "blatant violation" of the act, which stipulates that "any action taken by a noncompliant official 'shall have no force or effect' nor may it be later 'ratified." Said PEER Executive Director Jeff Ruch: "Trump's dereliction of duty has created the anomaly of acting directors unable to act...This chronic leadership failure casts a deep, murky legal shadow across a wide range of Interior decisions that may be legal nullities." Full story.

**Zinke Reorganization Plan Draws Fire** – On February 14th, the *Washington Post* carried an article on Secretary Zinke's planned reorganization of DOI, reported previously in this newsletter. AP reporter Dan Elliott reports that Zinke "is pressing ahead with a massive overhaul of his department, despite growing opposition to his proposal to move hundreds of public employees out of Washington and create a new organizational map that largely ignores state boundaries." Among those quoted is Representative Raul Grijalva of Arizona, the ranking Democrat on the House Committee on Natural Resources, who contends that the plan is "a very thinly disguised attempt to gut the Department of Interior and its bureaus." Full story.

**Author Elizabeth Kolbert Talks About Ryan Zinke** – WNYC in New York City (together with The New Yorker magazine) aired a 12-minute broadcast on February 2nd in which David Remnick interviews noted environmental writer Elizabeth Kolbert, who talks about Secretary Zinke and his "deregulation quest." Click on the link that follows to hear the interview. Full interview.

#### **National Park System**

State Of Alaska Supports Hunter Suing NPS – The Daily News-Miner, "the voice of interior Alaska," reports that Alaska's state government is continuing to support a 10-year-old struggle with the National Park Service over the federal government's authority to regulate hovercraft in a river in interior Alaska. The case dates back to 2007, when Anchorage-based moose hunter John Sturgeon was prohibited from using his hovercraft on a river in Yukon-Charlie Rivers National Preserve because of NPS regs banning hovercraft. Sturgeon later sued the Service over the hovercraft rule, arguing that the federal government can't enforce its rules on state lands — such as the riverbeds of navigable streams — under the terms of the Alaska National Interest Lands Conservation Act. The Supreme Court took up the case in 2016, but sent the most important issues down to a lower court, the 9th Circuit Court of Appeals, which ruled against Sturgeon. On February 5th, Alaska filed a "friend of the court" brief in support of Sturgeon as he asks the Supreme Court to take his case for a second time. Said Governor Bill Walker: "The state owes a debt of gratitude to Mr. Sturgeon for continuing this fight, and the least we can do is support him in his efforts and defend the state's sovereign rights." Full story.

**Administration Seeks To Make It Easy To Run Pipelines Through Parks –** *ThinkProgress*, a news site "dedicated to providing readers with rigorous reporting and analysis from a progressive perspective," has reported on one aspect of the administration's infrastructure plan – under the plan, pipelines through national parks would only need the approval of the secretary of interior. Since the 1920s, companies seeking to build pipelines through national parks have had to obtain approval from Congress. The provision is seen as a political favor to the natural gas industry. Full story.

**Sundry Actions and Updates** – Here, briefly, are activities recently reported by parks, culled from park press releases and newspapers. In each case, additional details can be found in those releases:

- *Yosemite NP* The park is seeking comments on an EA for the rehabilitation of facilities at Bridalveil Fall, including toilet replacement, a new accessible loop trail, upgrades to the parking lot, and expansion of the viewing platform. Comments are being accepted at the <u>PEPC</u> webpage for the EA until March 14th. <u>Park news release</u>.
- Zion NP An EA has been completed for a reconfiguration of the South Entrance Fee Station. The proposed project would reconstruct the South Entrance Fee Station area by restructuring the immediate roadway to provide additional lanes of traffic, both entering and exiting the park. Additional fee booths, traffic islands, and an employee parking area would also be incorporated into the design, along with other improvements. Comments are being accepted at the PEPC webpage for the EA until March 1st. Park news release.
- *Natchez Trace Parkway* The park is seeking proposals for the use of eight historic houses and their associated outbuildings. The houses were built in 1936 by the Resettlement Administration as a subsistence colony; they were transferred to the NPS in 1940 and used as employee housing. Park news release.
- *Upper Delaware S&RR* The Upper Delaware Council, established by law to provide the park with oversight and guidance, may have to shut down due to a prolonged DOI review of its cooperative agreement with the NPS. Because of this, the council can't access its FY 2018 funds and is about to run out of money. River Reporter news story.
- Morristown NHP The grand opening of the new \$2.2 million Discover History Center and the completion of the military gallery at Washington's Headquarters Museum was held on Presidents Day weekend. The center features interactive exhibits that will offer hands-on and multi-media experiences on the stories of Morristown, the Continental Army, General Washington, and Continental Congress during the years that "tried men's souls." The galleries feature many never-before seen artifacts, interactive activities geared towards children and adults, and five new videos. Park news release.
- *Yosemite NP* The editorial board of the *Modesto Bee* posted an editorial on February 3rd saying that it's imperative that the park's traffic situation be resolved and that alternatives

should be considered, such as building lots outside the park and offering shuttle service. The editorial concludes with this observation: "The Yosemite experience shouldn't be about getting stuck in miserable traffic jams or mired in endless searches for a parking place. It should be about mountains and waterfalls and natural wonder. And that doesn't include signs reading: 'Yosemite is full.'" Modesto Bee editorial.

# **Public Lands**

Trump Plan Would Rollback Environmental Reviews For Planned Projects On Public Lands – The February 8th *Washington Post* had a piece with this headline: "Trump Administration Plan Would Roll Back Environmental Reviews Covering Use Of Public Lands." The first paragraphs follow: "The Interior Department's Bureau of Land Management has finalized a set of recommendations that would overhaul the way it permits energy exploration and other activities on public land by streamlining environmental reviews...The Sept. 27 report — which was issued in response to a March 27 memo from Interior Secretary Ryan Zinke, but never publicly released — amounts to a blueprint for how the Trump administration plans to expedite extractive activities on 245 million acres of public land and 700 million acres of the mineral estate below the surface. BLM's holdings, which can be used for mining and grazing as well as recreation and archaeological preservation, account for about a third of the nation's mineral resources. The package, which includes policy changes with immediate impact as well as regulatory and legislative proposals that would take more time to execute, would eliminate lengthy federal reviews in many instances through 'categorical exclusions' if officials determine the activities have no environmental impact." Washington Post news story.

# **The Environment**

Climate Change Seriously Impacting World's Grazing Lands – A new study reported on in *Nature Climate Change* reveals that over the past century year-to-year precipitation variability has increased significantly on 49 percent of the world's grazing lands, affecting vegetation and constraining its ability to support livestock. "This study is showing us that grazing is potentially highly vulnerable to climate change, right across the world, from Australia to Central Asia, sub-Saharan Africa and the Americas," says co-author Mario Herrero of Australia's Commonwealth Scientific and Industrial Research Organization. *Science Daily* news article.

**Report:** Animals Not Changing To Winter Pelts Due To Climate Change – The Weather Channel website reports on a study showing that animals that normally change color for the winter aren't doing so any more. Thanks to climate change, snow isn't falling as often, and some of these animals are becoming more obvious to predators. A team of scientists recently concluded some of these animals aren't changing color anymore as an evolutionary measure. In a recent study published in the journal *Science*, the scientists reported that a worldwide snowfall decrease is impacting 21 vertebrate species that change colors in winter. This includes the snowshoe hare, which has already ceased its seasonal color change in some areas to avoid becoming more noticeable due to the lack of snow. The Weather Channel report.

# **Notices**

This section has been created to capture short notes on subjects relevant to the Service, the Coalition, alumni affairs and so forth. Send submissions to <a href="mailto:BHalainen@gmail.com">BHalainen@gmail.com</a>.

- **Coalition's Annual Newsletter Released** The Coalition's annual printed newsletter has been mailed out to members. If you'd like to get a jump on reading through Coalition updates for the year or share it with others, read the newsletter on our website as a PDF file. This year's version is double the content over previous years, which shows just how active we've been. Here's the link to reach the newsletter.
- **John Jarvis & Gary Machlis Book On Conservation Published** *E&E News* reports that former National Park Service Director Jonathan Jarvis and scientist Gary Machlis have written a book entitled *The Future of Conservation in America: A Chart for Rough Water*. Machlis and Jarvis argue that although "climate change will bring 'hardships, disruptions and fundamental

changes' to the planet... it's no time for 'indecisive despair," but for conservationists to show resilience and aim for triumph in the long run." Among their recommendations: Organize, unite and recruit a more diverse generation of millennials to lead and save the movement. Full story.

# **Acknowledgements**

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Congressional Correspondent: Don HellmannAt Large Correspondent: Dennis Burnett

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- Duncan Morrow
- Dick Martin
- Rick Smith
- Joan Anzelmo
- Amy Gilbert

If you see something that might be of interest to Coalition members, send it to Bill Halainen at the Weekly National Park System Report: <a href="mailto:BHalainen@gmail.com">BHalainen@gmail.com</a>. Please don't submit them via his personal email address or Facebook page.

# **A Closing Observation**

"One hundred years from now, as people look back on our use of this continent, we shall not be praised for our reckless use of its oil, nor the weakening of our watershed values through overgrazing, nor the loss of our forests: we shall be heartily damned for all these things. But we may take comfort in the knowledge that we shall certainly be thanked for the national parks."

Ray Lyman Wilbur, Secretary of the Interior, 1931

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The Weekly National Park System Report is a publication of The Coalition To Protect America's National Parks. It is prepared by Coalition member Bill Halainen, former editor of the NPS Morning Report, and produced and disseminated by Coalition member Steve Pittleman.

The Coalition is a non-profit organization of past and current NPS employees and their allies that "studies, educates, speaks, and acts for the preservation and protection of the National Park System and mission-related programs of the National Park Service."

To receive a copy of this free publication, join the coalition. Any current, retired or former salaried (GS, wage grade, seasonal, temporary, or SES) employee of the National Park Service can join the Coalition. For more information, click on <a href="this link">this link</a>. If you need to contact the Coalition office on other matters, including changes of address, click on <a href="this link">this link</a>.