

Subject: Monthly Report for Natural Resources  
ASSOCIATE DIRECTOR, NATURAL RESOURCE STEWARDSHIP AND SCIENCE  
MONTHLY REPORT FOR APRIL 2000

#### NATURAL RESOURCE CHALLENGE

##### Biological Resource Management Division Chief Named

We are pleased to announce the selection of Craig Axtell as the new Chief of the Division of Biological Resources Management (BRMD). He begins his duties on May 8th. Craig is currently the Chief of the Division of Resources Management and Research at Rocky Mountain National Park. His career with the National Park Service spans 25 years - 23 in resources management programs at parks. His National Park Service career began at the Denver Service Center as Park Planner and Economist, after which he was Resources Management Specialist at Everglades and Isle Royale National Parks. He has been involved extensively in fire management activities and served on a Type I Incident Management Team and Fire Use Management Team. In 1996 he received the Department of Interior Superior Service Award for developing the resources management program at Rocky Mountain National Park. Craig graduated from Colorado State University with a B.S. in Forest Science and M.S. in Natural Resources Management. The division was established as a result of FY 2000 funding for native and exotic species management and will oversee the four new Exotic Plant Management Teams, as well as provide other biological resource management assistance and advise to parks.

##### In Other BRMD News

The division is moving rapidly to fill a number of vacant positions, creating opportunities for field personnel and others to help parks, influence Servicewide biological resource issues and programs, and seek advancement. The announcement for an administrative assistant has closed and a selection should be made shortly. Several vacancies close May 5: a Supervisory Biologist, GS-0401-13/14 (Chief, Exotic Species and Ecosystem Restoration Branch); a Veterinary Medical Officer (Wildlife), GS-0701-13; and a Terrestrial Restoration Ecologist, GS -0401-12/13, all in Ft. Collins, CO. Also closing May 5 are Exotic Plant Management Specialists, GS-0401 -11/12, three positions located in Miami, National Capital Region, and Carlsbad Caverns. These positions provide broad direction to Exotic Plant Management Teams (EPMTs). Additional Exotic Plant Specialists vacancies close May 15; they are for GS-0401-9/11 in National Capital Region and Carlsbad Caverns. These positions provide day-to-day supervision of EPMTs. Within the next several months, vacancies will be advertised for an endangered species assistant at the GS 12 level and for three Student Career Employment Program positions, probably at the GS 7/9 level. Haleakala National Park will be advertising a vacancy for a GS-11 position to direct an EPMT. Recruiting will be handled locally for workers for EPMTs at National Capital Region, Carlsbad Caverns, and Haleakala. These probably will range from GS-4 through GS-7.

##### National Park Advisory Board Briefed

Members of the National Park System Advisory Board were briefed about the status of natural resources and programs in the Park Service, generally, and Natural Resource Challenge. Dr. Sylvia Earle received a presentation by Washington, DC staff. Other members were briefed in California, including during a visit to Point Reyes National Seashore, hosted by Natural Resource Challenge Council Co-Chair and Point Reyes Superintendent Don Neubacher.

## Natural Resource Challenge Council to Meet

The NRC Challenge Council will be meeting in Washington the week of June 19.

## SIGNIFICANT EVENTS

### Director's Awards for Natural Resources

The NPS is pleased to announce the recipients of the Natural Resource Stewardship and Science awards for 1999. Nominations have been reviewed by panels and the national recipients have been selected. All 1999 Director's Awards are being announced now, but presented during summer and fall at gatherings of the recipients' peers. The 1999 Director's Award for Superintendent of the Year for Natural Resource Stewardship is presented to Andrew Ringgold, Redwood National Park, California. The 1999 Director's Award for Natural Resource Research is presented to Dr. Howard Ginsberg, Research Ecologist, U. S. Geological Survey, Rhode Island. The 1999 award for Natural Resource Management is presented to Steve Petersburg, Resource Manager at Dinosaur National Park, Colorado. The recipient of the 1999 Trish Patterson/Student Conservation Association Award for Resource Management in a Small Park is Dan Foster, integrated resource program manager at Nez Perce National Historic Park, headquartered in Spaulding, Idaho. The Excellence in Natural Resource Stewardship through Maintenance Award for 1999 is presented to Merry Petrossian, Chief of Maintenance at the USS Arizona Memorial, Hawaii.

### Bioprospecting Lawsuit Ruling

Judge Royce Lamberth of the U.S. District Court for the District of Columbia has dismissed a lawsuit challenging a Cooperative Research and Development Agreement (CRADA) governing biodiversity prospecting by the Diversa Corporation in Yellowstone National Park. The lead plaintiff in the lawsuit, the Edmonds Institute, has announced that they will appeal the judge's ruling. The NPS-Diversa agreement remains suspended under an earlier order by Judge Lamberth, pending completion of NEPA evaluation. The NPS has begun a programmatic EIS to assess the Servicewide environmental impacts of biodiversity prospecting in parks. Through the CRADA, signed in 1998, the Diversa Corporation agreed to share information with Yellowstone scientists and management about park microbial resources and ecosystems, provide training, assistance, and annual financial support to park science and resource management programs, and pay royalties to the park if commercially valuable discoveries are derived from park organisms. Benefits derived from the agreement include genotype studies of reintroduced wolves at no cost to the park. Judge Lamberth's April 12 ruling recognized that:

- The CRADA with Diversa is consistent with the NPS Organic Act and the Yellowstone National Park Organic Act
- The NPS properly concluded that regulations (36 CFR 2.1) barring sale or commercial use of park resources did not foreclose Diversa's use of scientific discoveries resulting from research on those resources
- The National Park Service Omnibus Management Act of 1998 provides additional specific authority for the NPS to negotiate "equitable, efficient, benefits-sharing arrangements"
- Research permits were properly used by the park to provide the legal authority for Diversa to collect specimens
- Specimens collected by Diversa will remain NPS property under terms of Diversa's research permit and the CRADA
- Yellowstone meets the definition of "laboratory" under the Federal Technology Transfer Act, the legislation that authorizes the use of CRADAs

Until NEPA work is complete, parks should not enter into CRADAs with scientists or companies who may be engaging in biodiversity prospecting. However, each research permit should include the clause recommended in the Deputy Solicitor's November 3, 1998 memo. For further information, or copies of the Deputy Solicitor's memo, please contact Lindsay McClelland.

### Utah Parks Water Rights Agreement

On April 18, 2000, representatives from the Utah Department of Natural Resources, Utah Attorney General's Office, NPS, Office of the Solicitor, and Department of Justice signed water rights settlement agreements for Cedar Breaks National Monument and the Utah portion of Hovenweep National Monument. The agreements, which quantify reserved water rights and establish protective administrative mechanisms, must be submitted to the adjudication court for

approval. In the interim, the Utah State Engineer has agreed to enforce the settlement conditions. The parties hope to use these two agreements as a template to quickly resolve water rights issues at many other park units in Utah not directly associated with the mainstem Green and Colorado Rivers.

#### Snowmobiles

Interior Assistant Secretary for Fish and Wildlife and Parks, Donald J. Barry, announced on April 28 a renewed commitment by the National Park Service (NPS) to immediately begin enforcing existing NPS national regulations regarding snowmobile use in the National Park System. The renewed enforcement effort on snowmobiling was prompted by a rulemaking petition that the Department of the Interior received last year from the Bluewater Network and over 60 other environmental organizations in the United States. The rulemaking petition requested that the NPS ban snowmobiling in all units of the Park System. A wide range of Executive Orders, National Park System legislation and NPS regulations establish high environmental management standards that must be satisfied before recreational activities such as snowmobiling are to be allowed in a national park. Executive Orders No. 11644 (Feb. 8, 1972) and No. 11989 (May 24, 1977) close all public lands to off-road vehicles including snowmobiles except where specifically authorized. The NPS Organic Act and General Authorities Act impose additional protective standards. Under the Service's new snowmobile enforcement program, snowmobiling for general recreational purposes will be prohibited throughout the Park System, with a limited number of narrow exceptions. (Exceptions are NPS units in Alaska and Voyageurs National Park, due to provisions in their enabling legislation regarding snowmobile use, and Yellowstone & Grand Teton National Parks due to the current on-going Winter Use EIS planning process.) In February, the NPS released a study of the effect snowmobiles have on air quality, "Air Quality Concerns related to Snowmobile Usage in National Parks" (February 2000), which indicated that air quality in national parks is negatively impacted by snowmobile use.

#### West Nile Virus

Over the past seven months, Gateway staff and WASO have worked together and with city, state, and other federal agencies to develop a comprehensive plan to manage a potential mosquito-borne illness, West Nile Virus (WNRV). A protocol for mosquito surveillance and management has been prepared with the help of Dr. Howard Ginsberg, USGS. The objective is to safeguard the health of employees and the visiting public while protecting the natural resources of Gateway NRA. Management actions (such as park closure or insecticide applications) will be implemented only if action thresholds are reached as indicated in the surveillance and monitoring protocol. The monitoring protocol and the decision to intervene will depend on the intensity and persistence of viral activity, proximity to the park, time of year, mosquito population densities, and presence of threatened, rare, or endangered species. The focus of the program is to reduce the risk of the virus through reduction or elimination of non-natural Culex pipiens mosquito breeding habitat. Each Gateway unit has taken steps to eliminate non-natural mosquito breeding habitat, surveyed for trap placement and sites for larval and adult surveillance, and assigned personnel to monitoring, surveillance, and sanitation portions of the program. A final recommendation from Dr. Howard Ginsberg is expected on preemptive steps the park may take, such as treating non-natural potential breeding habitat with a larvacide. If intervention is required, the park will implement direct focused suppression rather than broadcast aerial application. A consultation process involving park resource management and public health staff, Centers for Disease Control, NPS, and other technical subject matter experts will continue, but the Superintendent will make final decisions. Similar plans and processes are in place for Fire Island NS, and Sagamore Hill NHS is cooperating with Nassau County, NY. The National Capital Region is cooperating with D.C. Government to discuss cooperative efforts towards managing risk of WNRV in the DC area.

#### Denali Mining Claims Decision Upheld

The Office of Hearings and Appeals issued a decision dated February 14, 2000, upholding the government's position that the Comstock, Eureka, and Eldorado unpatented lode mining claims in Denali National Park are null and void for lack of discovery of a valuable mineral deposit. The decision was issued subsequent to evidence presented by NPS mineral examiners and the claimant at a 6-day hearing in held in November 1998. The claimant asserts a resource with gross value in excess of \$400 million. The claimant is appealing the judge's decision.

#### Award to Great Basin

The southern Nevada chapter of Trout Unlimited gave its 1999 Conservationist of the Year Award to the staff of Great Basin NP for elevating the awareness and conservation of the Bonneville cutthroat trout through its proactive approach to restoring the native fish to its historic range within the park. The park in turn credited the success in part to the efforts of Trout Unlimited through its efforts and dedication to restoring native fisheries, to the efforts of volunteers, and to an "Embrace-A-Stream" grant. Efforts this summer will focus on removing non-native salmonids from streams scheduled for treatment, moving Bonneville cutthroat trout into the South Fork of Big Wash, furthering stream inventories, and treating Strawberry Creek for reintroduction of the fish. (from Morning Report)

## PROGRESS

### Golden Quail Mineral Claim Completed

Geologic Resources Division staff completed the mineral examination of the Golden Quail block of unpatented lode mining claims in Mojave National Preserve. The report concludes that mineralization found on the 16 subject claims is inadequate to offset the costs of mining and beneficiation, and recommends that Bureau of Land Management issue a letter of complaint declaring the claims null and void for lack of discovery. The claimants, who assert that the claims have a net worth in excess of \$17 million, will be given 30 days to appeal this complaint.

### Visitor Services Project

The Visitor Services Project (VSP) recently published "Serving the Visitor 1999," the sixth annual "report card" on how well the NPS is serving its customers. A downloadable version is available at <http://www.nps.gov/socialscience/waso/products.htm#VSP>.

The Visitor Services Project has produced a brochure which describes the project, highlights its benefits, and explains the nomination process for parks that want VSP studies. Copies are available from the Social Science Program office in Washington <bforist@uidaho.edu> and the University of Idaho CPSU <littlej@uidaho.edu>. A downloadable version is available at <http://www.nps.gov/socialscience/waso/products.htm#VSP>.

The White House Visitor Center/White House Tour Visitor Study will be under way from 30 April - 10 May. This high priority study is being conducted by the Visitor Services Project with assistance from Social Science Program staff. This is the fourth visitor study requested by the White House Liaison Office.

### Servicewide Strategic Plan Goals

Goal Group 1 (Servicewide natural resource goals) met in San Francisco in April. The Goal Group, co-chaired by Bob Barbee and Mike Soukup (the latter not present due to a conflict), set a schedule and agenda for working more closely with goal contacts and subject matter experts in the regions to improve accomplishment of goals and reporting on goals. The group will also be responsible for making adjustments to goals the next time the strategic plan is revised. Other members of the group include Abby Miller (Deputy ADNRSS), Rick Harris (Office of Strategic Planning), Paul Anderson (Deputy ARD, Alaska), Lou Waller (Regional Performance Management Coordinator, Alaska), Bobbi Simpson (Congaree Swamp), Russell Galipeau (not present), and Karen Wade (not present). The group also discussed the appointment of two additional members, a superintendent (previously filled by Karen Wade, who has since been named regional director) and an additional park resource manager.

## HEADS UP

### Natural Resource Meeting

The annual general meeting of natural resource personnel will be held June 13 and 14 in Missoula, MT. Regional Directors were asked by memorandum of April 4 to nominate personnel to attend and were asked for agenda items to be provided by May 5. The meeting is being held in conjunction with the meeting of the Society for Conservation Biology and with the assistance of the new CESU at Montana State University. Information about the SCB meeting may be found on their website at <http://conbio.rice.edu/scb/>.

### Wildlife Management

DO coming out for review Draft Director's Order 77-4, which deals with controlled and non-controlled substances used for wildlife management and

research will be issued by the Office of Policy for Servicewide review. Comments will be due to Mike Coffey by no later than June 30, 2000.

RM-77

A second set of RM-77 chapters will be sent out for field review shortly. The final set will not be circulated until fall.