

# Federal Parks & Recreation

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In this issue. . .

**Park Service begins systems plan.**

*At request of advisory board. It reportedly emphasizes condition of natural resources. Concessioners feel left out..... Page 1*

**NPS would accept alcohol money.**

*Proposes philanthropic policy that would allow beverage companies to partner with agency. Proposal does a lot more.... Page 2*

**Gulf restoration deal official.**

*Court signs off on decree that would spend \$20 billion for repairs in five states. Parks and recreation big players.. Page 4*

**Wyden rec bill not always a hit.**

*Backcountry users not fond of proposal to make fee payments easier. They oppose entrance fees, other than parks..... Page 5*

**Budget/approps situation muddy.**

*As House committees return to work Monday, they may be working without budget guidelines... Page 6*

**Senators ask NPS maintenance aid.**

*Twenty-four of them (one from GOP) request unspecified hike..... Page 7*

**FWS considers Bison Range shift.**

*Discussing transfer of refuge to tribe. FWS retirees agin... Page 8*

**GOP again asks monuments curbs.**

*House members call on money panel to ban in several counties.. Page 9*

**Notes..... Page 11**

**Conference calendar..... Page 13**

**NPS preparing system-wide plan; concessioners not happy**

The Park Service is working on a system-wide plan that reportedly assesses the overall needs of the existing system and the potential to add new land to the system.

At this point NPS says a steering committee is in the preliminary stages of assembling a plan, although a draft copy has received limited circulation.

An NPS spokesman says the purpose of the system plan is to establish "a framework for the proactive direction for the future of the national park system, identifying gaps in the nation's protected natural and cultural areas, and establishing a collaborative conservation system that fully reflects our nation's cultural and natural heritage."

Not every one is pleased with the effort. Concessioners say the 150-page draft National Park Service System Plan largely leaves them out.

The National Park Hospitality Association (NPHA) has seen a copy and says it overemphasizes the condition of the parks' natural resources and underemphasizes the need for money to manage the system.

Said NPHA in a letter to Temara Delaplane, project manager for the plan, "There is no point in simply addressing physical gaps in a system without also addressing realistic capabilities to successfully manage existing and additional physical sites so that the entire system can contribute to the dual mandates of the agency's organic act."

NPHA also objected that key publics who support the national parks were not invited to comment. "The draft

plan shows no evidence of consultation with concessioners, gateway communities and other key park constituents in its development," said NPHA in a letter signed by association counselor Derrick Crandall. "This is a serious omission and has led to a document with flaws and a lack of community support for any results of the document."

Finally, NPHA took a shot at an alleged lack of growth in recreation uses in the National Park System. "The document might well ask why NPS is not thriving like the outdoor recreation community overall, which is expanding at roughly twice CPI, or why other leisure choices seem to be more successful in reaching a more urban, more diverse population - from theme parks to state parks to cruises," said the concessioners.

To be fair, numerous parks are already packed to the gills. The service last year set all-time visitation records. More than 307 million visitors came through the turnstiles in 2015, a five percent increase over 2014. Even higher visitation numbers are expected in 2016.

NPS says the draft will "undergo many changes" as it is reviewed by NPS leaders, the Department of Interior and the Office of Management and Budget.

Back in the 1980s and 1990s the Park Service regularly prepared National Park Service System Plans to see where the agency had been and where it wanted to go.

This new draft was recommended by the National Park System Advisory Board and emerges as the agency celebrates its 100<sup>th</sup> anniversary in 2016, and prepares for the next century.

The service and friends of the service have prepared numerous broad planning documents in recent years. In September 2009 a Second Century Commission sponsored by the National Parks Conservation Association published a report that presented a vision of the system for the next 100 years.

In August 2014 the Park Service

itself published *A Call to Action* to rally the agency and its partners in support of the Centennial.

On behalf of NPS the Obama administration last year submitted to Congress comprehensive legislation to improve the system in its Centennial year.

That bill (S 2257, HR 3556) asks Congress to establish various programs costing \$500 million and to increase appropriations by \$326.3 million. Appropriators gave the administration about one-third of that increase in a fiscal year 2016 spending law (PL 114-113 of December 18).

On its own behalf the Park Service March 24, 2014, presented an overarching theme to guide the implementation of its 2016 Centennial campaign. It's called 'Find Your Park.'

NPS will use the theme in partnership with the National Park Foundation and other entities to boost visitation to the national parks. The announcement effectively carried out the recommendations of the PR firm Grey New York, which reportedly received \$2 million for its efforts.

## **NPS would specifically allow deals with alcohol firms**

The Park Service proposed March 30 a new policy on philanthropic donations that would outright allow partnerships with companies that produce and sell alcohol.

Last year NPS Director Jonathan B. Jarvis stirred up a hornets' nest when he signed a waiver allowing Anheuser-

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### **NOTICE: PUBLISHING SCHEDULE CHANGE**

Dear Subscriber:

The next issue of *Federal Parks & Recreation* will be published on April 29, one week later than the usual biweekly cycle. After that we will resume our regular biweekly publishing schedule. We thank you for your consideration.

The Editors

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Bush to contribute \$2.5 million to the Park Service Centennial campaign. The new policy would eliminate the need for waivers.

The new proposal, which would replace a Director's Order #21 on philanthropy, says, "After the effective date of this Order and under its provisions and standards, the NPS will permit - after thorough review - philanthropic partnerships with, and accept donations from, corporations that produce or distribute alcohol."

When Jarvis signed the Anheuser-Busch waiver in January 2015 Public Employees for Environmental Responsibility (PEER) said NPS should not be aligned with beer companies.

"Once it has gotten into bed with its corporate partner, the Park Service cannot pick and choose which market messaging it will embrace and which it will ignore," said PEER Executive Director Jeff Ruch, noting that the agreement is part of an effort by NPS to raise a \$1 billion corporate endowment by its upcoming 2016 centennial. "It is both telling and troubling that the current Park Service leadership sees its core values best reflected in beer ads."

Partnering with producers of alcohol makes up only one sentence of a proposed 31-page directive that is designed to make donating to the Park Service more welcoming and simpler.

One central part of the proposal would set specific limits on how much money Park Service leaders could authorize in single donations. For instance the Park Service director could accept more than \$1 million on his own signature but more than \$5 million if he or she had the proper certification and training.

The ceilings would decrease proportionately through various levels of the service down to superintendents, who could accept \$100,000 or less. However, with training, proper qualifications and delegations from above superintendents could accept up to \$5 million.

Philanthropy makes up one piece of the Park Service Centennial campaign, albeit a crucial one with a goal of as much as \$1 billion raised.

In other recent development related to the Centennial:

**Maintenance:** Twenty-four senators (including one Republican) asked appropriators last month for "sufficient" money for Park Service maintenance in fiscal year 2017.

The senators, led by Sen. Martin Heinrich (D-N.M.), did not specify how much money the House subcommittee on Interior appropriations should put up in a fiscal 2017 spending bill. But they did ask subcommittee chairman Lisa Murkowski (R-Alaska) to "once again" pony up sufficient funding, perhaps referring to a fiscal 2016 spending bill. (See related article page 7.)

**Coins:** In a modest contribution to the Centennial, the United States Mint March 24 began selling National Park Service Centennial coins. In December 2014 Congress authorized the production of up to 100,000 \$5 gold coins, up to 500,000 \$1 silver coins and up to 750,000 half-dollar coins during calendar year 2016. The law also assess a significant surcharge on each minting that would be added to the price of a coin - \$35 for a dollar coin, \$10 for a silver coin and \$5 for a half-dollar coin. If all coins were sold, the program would bring in \$13,625,000.

The coins are available online and will be available at participating parks "later this year," NPS said.

"These coins - mementos today and heirlooms tomorrow - celebrate the centennial of the National Park Service," said National Park Service Deputy Director Peggy O'Dell. "Their purchase will help support vital park programs and contribute to the centennial legacy."

The gold coin will show John Muir and Theodore Roosevelt with Yosemite National Park's Half Dome behind them; the silver coin will feature Yellowstone National Park's Old Faithful; and the

half-dollars will show a hiker in the wilderness.

**Stamps:** The U.S. Postal Service said March 31 it will feature the Park Service Centennial on its Forever stamps beginning June 2. Presumably, the stamps will be available for purchase in your local post office.

The Postal Service said the stamps - depicting 16 examples of parks - will debut June 2 at the once-in-a-decade World Stamp Show in New York City.

The Park Service began previewing the stamps April 4 by announcing that an Acadia National Park stamp will feature a photograph of Bass Harbor Head Light.

"These stamps celebrate the 100th anniversary of the National Parks and depict the beauty and diversity of these national treasures," said Postmaster General Megan J. Brennan.

## **Court makes Gulf oil spill restoration deal official**

A federal judge April 4 signed off an agreement that requires BP oil company to spend \$20 billion to restore the Gulf of Mexico in the wake of the 2010 Deepwater Horizon oil spill.

BP Exploration and Production Inc. (BPXP) has already committed \$1 billion to restoration projects in the five-state Gulf region, including numerous park and rec projects.

BP agreed to the consent decree in July of 2015 but the deal did not become final until U.S. District Judge Carl J. Barbier for the Eastern District of Louisiana endorsed it April 4.

Attorney General Loretta E. Lynch said the government signed the decree as part of an ongoing effort to restore the Gulf's natural resources. "The Department of Justice will continue to stand with the people of the Gulf as they seek to rebuild and protect the marine life, coastal systems, and beautiful beaches that have made the region a treasured natural resource," she said.

Louisiana Gov. John Bel Edwards (D-La.) is all in. "Louisiana is in a race against time when it comes to saving our coast," he said. "Today's decision enables us to continue making critical investments in our coast, and equally important, to keep the funding in place needed to close the current fiscal year's budget deficit."

In addition to the \$20 billion in restoration payments, BP has agreed to pay \$43 billion-plus in separate criminal and civil penalties to individuals and governments.

Said BP when the decree was first proposed last July, "The expected impact of these agreements would be to increase the cumulative pre-tax charge associated with the Deepwater Horizon accident and spill by around \$10 billion from \$43.8 billion at the end of the first quarter."

A consortium of conservation groups in a joint statement encouraged federal, state and local governments to spend the \$20 billion wisely over the next 17 years.

"Now is a time for big thinking across funding streams. This is a defining moment for the RESTORE Council and Natural Resource Damage Assessment Trustees, National Fish and Wildlife Foundation leaders and others to all pull together and make good on years of promises for Gulf Coast restoration and resilience," said the Environmental Defense Fund, the National Wildlife Federation, the National Audubon Society, the Ocean Conservancy and the Nature Conservancy.

Congress established the RESTORE Council in 2012 under the Resources and Ecosystems Sustainability Tourism Opportunities and Revived Economy of the Gulf Coast Act. The council includes the five Gulf governors and a half-dozen federal Cabinet members, including the Secretary of Interior. They will oversee the BP payments.

As noted, even before this last agreement BPXP had put up close to \$1 billion for emergency repairs to Gulf ecosystems. A sizeable portion of that money has gone directly to park

and recreation projects. According to the National Oceanic and Atmospheric Administration the council has allocated \$237,628,642 to recreation. In addition protection of barrier islands and dunes by definition boosts tourism.

This week's agreement sets up the \$20 billion in these pieces: \$8.1 billion in damages, with most of that going to the RESTORE Council; \$5.5 billion in civil penalties under the Clean Water Act, again with most of the money to go through the RESTORE Council; \$700 million for natural resource damages to be determined; \$600 million in miscellaneous costs to local governments; and \$5.9 billion in economic damage claims from state and local governments.

In February we reported on an example of the park and recreation implications of one interim step taken by the RESTORE Council, using the emergency repair money. On February 5 the council said it would allocate \$34.4 million total to three city parks in Florida and one in Texas.

The trustees said they would allocate the \$34.4 billion to Innerarity Point in Escambia County, Fla., for acquisition of 3.38 acres and construction of a public park; City of Destin, Fla., for acquisition of a 3.42-acre parcel and construction of a public park; Lynn Haven, Fla., for acquisition of a 90.7-acre tract and construction of a public park; and Island View Park in Franklin County, Texas, for construction of a public park on a 7.3-acre parcel owned by the county.

Lots of background info at:  
<http://www.gulfspillrestoration.noaa.gov>  
 or <http://www.doi.gov/deepwaterhorizon>.

## **Wyden rec bill may not be popular in the backcountry**

Recreation users of the public lands are not as enthusiastic about a new access bill from Sen. Ron Wyden (D-Ore.) as the recreation industry is.

Although the measure (S 2706) would streamline state and federal

recreational access passes, users say the agencies shouldn't charge for access to the backcountry, period.

Said Kitty Benzar, president of the Western Slope No-Fee Coalition, "To the extent that it would make fees for general access to undeveloped areas more convenient to pay, then it misses the point. There shouldn't be such fees in the first place."

Wyden formally introduced the outdoor recreation legislation March 17. It cuts sideways into other Congressional initiatives to rewrite federal recreation law.

Among other things the Wyden bill would streamline federal recreation area passes, establish a national recreation area system, encourage federal land management agencies to authorize year-round recreation in seasonal areas, establish a trail maintenance pilot program and streamline permitting for outfitters.

Rep. Earl Blumenauer (D-Ore.) also introduced a counterpart bill (HR 4790) March 17. Neither bill enjoys cosponsors.

The main support from the legislation comes from the recreation industry, according to Wyden's office. That office says S 2706 and HR 4790 are supported by more than 50 outdoor industry groups, including the Outdoor Industry Association, American Whitewater and the National Ski Area Association, as well as Oregon-based companies like KEEN and Columbia Sportswear.

When Wyden and Blumenauer introduced the bill Todd Davidson, CEO of Travel Oregon, emphasized the economic benefits of it. "Outdoor recreation is a vital component of the travel and tourism sector, which generates \$2.1 trillion in economic output and supports 15 million jobs nationally, with \$10.3 billion and more than 101,000 jobs in Oregon alone," he said.

"Sen. Wyden and Rep. Blumenauer have recognized the important role

outdoor recreation plays in the nation's economy and job creation in largely rural areas, and have worked to enhance its impact through the introduction of this bill."

The Wyden-Blumenauer legislation appears to be competing with broader legislation being developed in the House and Senate to revise a landmark recreational fee law, the Federal Lands Recreation Enhancements Act (FLREA).

House Natural Resources Committee Chairman Rob Bishop (R-Utah) has published a draft bill to replace FLREA that would make across-the-board changes in how fees are assessed by federal land management agencies, and how much. That measure is titled the Federal Lands Recreation Enhancement Modernization Act of 2015 (FLREMA).

The Bishop bill addresses one major point of contention: Who should have authority to increase (and decrease) entrance and user fees, federal agencies or Congress? The draft would require approval of Congress of any fee schedule for the following year.

In another area of change the Bishop draft would authorize broad new partnerships with private companies in the management of developed recreation sites on Forest Service and Bureau of Land Management (BLM) properties.

Finally, the draft purports to address the age-old dispute between the Forest Service and BLM on one side and backcountry visitors on the other side over entrance fees to developed and semi-developed sites.

The bill would attempt to define more precisely when amenity fees should be assessed at developed sites.

Benzar says a pox on both the Bishop and Wyden bills. "All of the proposals so far miss the point because they would intensify the privatization and monetization of public lands," she said. "That's not what our National Forests and BLM lands were set aside for."

The idea of entrance fees for

National Park System units per se is largely exempt from controversy (except for whether Congress or NPS sets the fees). NPS is the big winner with an estimated \$232 million per year. The Forest Service is next with an estimated collection of \$68 million per year.

Although Wyden's list of supporters is heavy on the recreation industry, some environmentalists such as The Wilderness Society also endorsed his bill.

A summary of the bill is available at: <https://www.wyden.senate.gov/download/?id=9FC3AC40-92A8-463C-9626-A5B6D8AD3B58&download=1>.

## **Budget/appropriations status is muddy; bills may move**

If House committees follow the recommendations of a fiscal year 2017 budget committee spending plan over the next two months, they will give federal land management agency maintenance precedence over new land acquisitions.

However, line committees and appropriations committees seldom follow the policy dictates of a Congressional budget, although they do obey spending limits.

This just may be grist for debate because the House is unlikely to approve a budget, what with a determined band of 40 conservative members objecting to top-end spending ceilings.

So when House committees return to work Monday (April 11), they will be pretty much on their own.

Of particular importance to the park and rec world, the House Appropriations Committee under the law is not allowed to begin consideration of fiscal 2017 spending bills until May 15. Although appropriators will likely set their own substantive policies, they will likely use the House committee top-end recommendations for bill ceilings.

The long House dispute over fiscal 2017 spending has spread to the Senate. Democratic leaders there last

month demanded that the Senate take up appropriations bills in accordance with the budget agreement Congress reached with the President last November.

Well aware that Republicans are at odds over the advisability of sticking to spending caps in that deal, the Democrats are applying pressure on Senate Majority Mitch McConnell (R-Ky.) to abide by the agreement. And they have asked his support in moving appropriations bills, pronto.

Senate Budget Committee Chairman Mike Enzi (R-Wyo.) said March 7 that his committee has postponed consideration of a fiscal 2017 budget. But he said the Senate could write appropriations bills without a formal budget.

So the only budget guidance on the tables is the House Budget Committee plan of March 16, approved by a narrow 20-to-16 margin, with two committee Republicans (of the 22) voting against. All committee Democrats opposed the budget.

That budget recommends that the House give federal land management agency maintenance precedence over new land acquisition.

Says an accompanying committee report, "The President's budget seeks to convert certain Federal land acquisition accounts from discretionary to direct spending. The Federal Government already struggles with a maintenance backlog on the millions of acres it controls - a backlog totaling between \$17 billion and \$22 billion-but the administration is seeking to acquire even more land."

"This budget keeps funding for land acquisition under congressional oversight, giving States and localities more control over the land and resources within their borders," says the panel.

The target here is of course the Land and Water Conservation Fund (LWCF) and an Obama administration budget request of \$900 million in full funding for it. About half, or \$425 million, of the request would come from appropriations in fiscal 2017 and \$475

from guaranteed funding, the "direct spending" mentioned by the committee. In out years all the money would be guaranteed.

The House committee budget also takes a shot at trails and other recreational activities financed by the Highway Trust Fund. The existing surface transportation law sets aside more than \$800 million per year for a Transportation Alternatives Program that finances such individual programs as Transportation Enhancements.

The report says the Highway Trust Fund is running out of money so Congress should reconsider its priorities. "Congress may conclude, for example, that it bears some role in the great task of rebuilding the decades-old Interstate Highway System, while building bicycle and recreational trails, sidewalks, and streetcars, which produce local benefits, lies outside its purview," says the report.

In the House Budget Committee mark-up May 16 minority Democrats offered 28 amendments, but none addressed LWCF or Highway Trust Fund spending priorities.

While those issues are of importance, the bigger budget problem revolves around a budget agreement (PL 114-74) that Congress struck with President Obama on Nov. 2, 2015. Forty or so conservative members of the House Freedom Caucus object to the domestic spending ceiling in that agreement and want it slashed, thus the stalemate.

## **Senators ask unspecified hike in NPS maintenance money**

Twenty-four senators put in a pitch to appropriators last month for "sufficient" money for Park Service maintenance in fiscal year 2017. The 24 included one Republican, Sen. Susan Collins (R-Me.)

The senators, led by Sen. Martin Heinrich (D-N.M.), did not specify how much money the House subcommittee on Interior appropriations should put up in a fiscal 2017 spending bill. But

they did ask subcommittee chairman Lisa Murkowski (R-Alaska) to "once again" pony up sufficient funding, perhaps referring to a fiscal 2016 spending bill.

In that fiscal 2016 appropriations law (PL 114-113 of Dec. 18, 2015) Congress approved a \$94 million increase over fiscal 2015 in operations, with much of that going to maintenance and a \$50 million increase for construction.

So, said the senators in asking for a repeat for fiscal 2017, "With a nearly \$6 billion maintenance backlog attributable to the type of repair, rehabilitation and cyclic maintenance projects that receive funding through the Interior appropriations bill, it is imperative that the noteworthy increases provided last year be sustained or increased."

Although Congress in fiscal 2016 appropriated more than \$140 million extra for Park Service maintenance, that still fell short of the extra \$326.3 million the administration requested. The administration asked for \$242.8 million more for deferred maintenance and \$40 million more for Centennial Challenge grants, to mention two line items.

For fiscal 2017 the administration has requested an overall *appropriations* increase for the Park Service Centennial of \$190.5 million, compared to fiscal 2016. That includes an extra \$54.7 million for construction and \$96 million for operational maintenance.

In addition, on the *authorization* side the administration has requested an extra \$500 million, broken down into a Centennial Challenge (\$100 million), a Second Century Infrastructure Investment (\$300 million) and a Public Lands Centennial Fund (\$100 million).

Sen. Maria Cantwell (D-Wash.) and Rep. Raúl M. Grijalva (D-Ariz.) have introduced the Obama administration authorization recommendation as a stand-alone bill (S 2257, HR 3556).

The House Natural Resources Committee March 16 approved a Park Service Centennial bill (HR 4680), but

the panel rejected Democratic proposals to include some of the administration's recommended \$500 million.

Most prominently, Grijalva proposed adding to the legislation (unnumbered) a National Park Second Century Infrastructure Fund at \$300 million per year. The committee voted against the amendment 14-to-23.

The House committee bill would move Centennial legislation a couple of major steps forward, by establishing a Centennial Challenge Fund and revising senior citizen America The Beautiful Pass rates. But HR 4680 does not include the \$500 million per year in new authorizations recommended by the Obama administration.

Said committee chairman Rob Bishop (R-Utah), "I look forward to advancing this innovative bill to the House floor for a new, prosperous century for our national parks."

Led by Sen. Rob Portman (R-Ohio), three senators have offered Centennial legislation as an amendment (SA 3295) to a comprehensive energy bill (S 2012). Like the House committee bill the Senate amendment would establish a Centennial Challenge Fund, but without a specific allocation. The Senate amendment is expected to serve as a stalking horse for a yet-to-be introduced Centennial bill.

On the appropriations side the situation is complex. Theoretically, a budget agreement between Congress and President Obama of last November will supply a marginal increase for domestic appropriations bills in fiscal 2017. However, the House Freedom Caucus opposes any domestic spending increase and the caucus has enough votes to block legislation on the floor (*see previous article.*)

## **FWS considers shift of Bison Range (Montana) to tribes**

To the dismay of Fish and Wildlife Service (FWS) retirees, the agency is considering a transfer of the National Bison Range in Montana to the



Confederated Salish and Kootenai Tribes (CSKT).

The Association of Retired U.S. Fish and Wildlife Service Employees wrote FWS Director Dan Ashe March 25 to protest the possible transfer, which would have to be approved by Congress.

"The Service purchased these lands for all Americans to enjoy," wrote Robert G. Streeter, the retirees' board chair. "The Board is gravely concerned that the proposed transfer is precedent-setting for future dealing with other tribal, state or even military organizations wishing to acquire and/or manage federal lands. This is a huge precedence for the (National Wildlife Refuge System), for wildlife conservation, for public use, and for the agency's heritage."

The Mountain Prairie Regional Director of FWS, Noreen Walsh, advised region employees February 5 that initial discussions had begun with the CSKT Indians on a possible transfer.

"In an effort to achieve the best, long-term solution for our many conservation priorities, the specific conservation goals of the National Bison Range, and to support the principles of Indian self-determination there was a discussion today with the CSKT about the potential for the Service to support legislation that would transfer the lands comprising the National Bison Range to be held in trust by the United States for the CSKT," she told employees.

Since 2004 FWS has attempted to partner with the CSKT tribes in the management of the National Bison Range. Those attempts have been met by protests from federal agency employees, from environmentalists and from an environmentalist lawsuit.

In December 2004 FWS signed an annual funding agreement (AFA) that paid the CSKT to assume several management jobs in the refuge. In June 2008 FWS and CSKT executed another agreement. However, the Public Employees for Environmental Responsibility (PEER) filed a lawsuit charging FWS had failed to

prepare an environmental review.

The U.S. District Court for the District of Columbia agreed with PEER and directed FWS to prepare environmental documentation. In March 2012 FWS drafted a new AFA and in May 2012 it posted a notice of intent to prepare an environmental assessment. And there things sit.

When the FWS notice to employees of possible negotiations to transfer the refuge surface in February, PEER objected that it could set a precedent for other refuges and for national parks.

"Legislation for the CSKT could be expected to spark demands by other tribes for similar handovers of 75 other national parks and refuges," said PEER Executive Director Jeff Ruch. "This precedent at Bison Range may have profound implications for our entire system of national parks and refuges."

According to PEER, 57 National Park System units are eligible for AFAs, including Redwood, Glacier, Voyageurs and Olympic National Parks and the Cape Cod National Seashore.

FWS is not acting without some Congressional cover. In the Tribal Self Government Act of 1994 Congress authorized Indian Tribes to apply for AFAs not only with the Bureau of Indian Affairs, but also other agencies within the Interior Department. Under the law Indians may take over activities that have historical relevance to a tribe.

Congress has become involved again. The Senate on July 7, 2015 approved a tribal self-governance bill (S 286) that encourages federal land managers to enter AFAs with tribes. The Senate Indian Affairs Committee in a report accompanying S 286 praised FWS for attempting to execute the Bison range AFA.

## **House GOP asks appropriators to curb monuments power**

Western Republican House members are asking appropriators to impose

strict limits on President Obama's authority to designate national monuments under the Antiquities Act of 1906.

Number one, the 31 Republicans last month asked appropriators to confine the President's monuments authority to sites of less than 5,000 acres. Of note Obama designated three national monuments in California February 12 covering 1.8 million acres.

Number two, the Republicans asked appropriators to forbid the designation of any national monuments in specific counties in eight states - Arizona, California, Colorado, Nevada, New Mexico, Oregon, Utah and Maine.

Last year Rep. Crescent Hardy (R-Nev.), one of the authors of the letter to the House Appropriations Committee, persuaded the House on July 8, 2015, to approve a similar amendment to a fiscal year 2016 appropriations bill. The vote was 222-to-206. The provision was dropped in a House-Senate conference committee.

Said the Republicans in a March 23 letter to Rep. Ken Calvert (R-Calif.), chairman of the House subcommittee on Interior appropriations, and to Rep. Betty McCollum (D-Minn.), ranking subcommittee Democrat, "President Obama has exceeded the intent of this law and abused the Antiquities Act more than any other American president. To date, he has designated or expanded 22 national monuments, and these designations have locked up more than 3 million acres of land. . . Unfortunately, he isn't done yet, and we can expect several more overreaching designations within the next several months."

The lead signatories on the letter were Reps. Paul A. Gosar (R-Ariz.) and Ken Buck (R-Colo.)

The letter writers said their request was supported by the American Farm Bureau Federation, National Cattlemen's Beef Association, Public Lands Council, Motorcycle Industry Council, Specialty Vehicle Institute of America, Recreational Off-Highway Vehicle Association, and Americans for

Responsible Recreational Access.

In one of his most ambitious uses of the Antiquities Act of 1906, President Obama February 12 designated more than 1.8 million acres of California Desert as parts of three national monuments. BLM will oversee the areas.

The 921,000-acre Mojave Trails National Monument, 135,000-acre Sand to Snow National Monument and 8,000-acre Castle Mountains National Monument will combine with existing national parks and wilderness areas in the desert to protect nearly 10 million acres. It will be the second largest desert preserve in the world, behind only Namib-Naukluft National Park in Namibia.

The designation immediately raised questions about other possible designations, such as a 2.5 million-acre Owyhee Canyonlands monument in Oregon, a 350,000-acre Gold Butte monument in Nevada and a 1.4 million-acre Canyonlands monument in Utah.

The March 23 Republican letter would forbid the designation of an Owyhee monument in Oregon by banning monuments in Jackson, Josephine and Malheur in Oregon. It would also forbid the designation of monuments in Utah in the counties of Carbon, Duchesne, Emery, Garfield, Kane, San Juan, Uintah and Wayne.

On that note Utah Sens. Mike Lee and Orrin Hatch, both Republicans, introduced legislation March 7 that would bar the designation of new national monuments in their state unless approved by Congress. The proposal, in the form of an amendment (SA 3447) to an omnibus energy bill (S 2012), is the most recent in a dozen or so proposed curbs on a President's designation authority now circulating on the Hill.

Rep. Gosar has introduced his own monuments bill (HR 3946), along with 25 cosponsors, that follows the proposal submitted to the appropriations subcommittee.

Said Gosar, "These declarations often result in some of the most

restrictive land-use regulations possible and also greatly impact hunting, fishing, OHV and other recreational activities. Grazing rights, water rights, wildfire prevention and other land management activities can also be negatively impacted."

Although the anti-monuments campaign has powerful advocates, so do the champions of monuments, including almost all environmental groups, national and local.

## Notes

**NPS cites Yukon-Charley.** Less than three weeks after Rep. Don Young (R-Alaska) reamed the Park Service for its access policies in Yukon-Charley Rivers National Preserve the agency April 4 named Yukon-Charley as its monthly place to visit. NPS designated Yukon-Charley its National Park Gateway, part of a series designed to help visitors "find new places to connect with nature, history, family, and friends," said NPS. At a mark-up of a Park Service Centennial bill (HR 4680) March 16 by the House Natural Resources Committee, Young attacked the Park Service in Alaska for being a "dictatorship." He singled out visitation policies in Yukon-Charley. "They have 100,000 visitors," he told his fellow committee members. "You know what their idea of a visit is in a park in Alaska? Put a bunch of older people in a bus, drive it to a center in a park - I'm talking about Yukon Charley - and let 'em get out and look at beautiful park rangers and the pictures on the wall of 19 million acres of land. They use less than 100 acres and they say that's a park visit. An Alaskan tries to walk across it and you go to jail." Young is the senior member on the House Natural Resources Committee.

**Opening Day for Trails.** The Rails-to-Trails Conservancy (RTC) has set April 16 as the 2016 *Opening Day for Trails*. RTC acknowledges that some of us have been out on our trails all winter long, but says April 16 is the "perfect day" to get outside. The conservancy said last year 20,000 trail users participated in the opening day event. This year more than 130 events

are planned around the country. As an inducement, the conservancy will raffle off two Fuji Absolute 2.1 bikes. You can join the raffle by pledging to get outside at <http://www.railstotrails.org/>.

### **FAST Act trails webinar set.**

American Trails will host a webinar April 21 to explain the implications for trails of a new, multi-year surface transportation act called Fixing America's Surface Transportation Act, or FACT (PL 114-94 of Dec. 4, 2015). The seminar will explore changes in the Transportation Alternatives Program in FACT that finances such outdoor initiatives as Transportation Enhancements and the Recreational Trails Program. Working with American Trails at the webinar are three senior staffers from the Rails-to-Trails Conservancy (see *previous item*.) There will be a fee for the seminar - \$35 for American Trails members and \$55 for nonmembers. The webinar is scheduled from 1 p.m. to 2:30 p.m. Eastern and 10 a.m. to 11:30 a.m. Pacific. The website is at <http://americantrails.org/resources/funding/webinar-FAST-act-fowler.html>.

### **NPS maintenance backlog ideas.**

The free-market nonprofit group Property and Environment Research Center (PERC) last month described seven proposals for reducing the Park Service maintenance backlog. Some of those proposals are similar to western Republican recommendations such as termination of acquisitions; the sale of "unnecessary" public lands and use of the proceeds for maintenance; and outsourcing park operations to the private sector. The other recommendations would allow parks to use fees for maintenance, allow parks to set their own fees, encourage public-private partnerships and create a national park franchising system. The Park Service faces a deferred maintenance backlog of almost \$12 billion, with half of that in roads. The PERC article can be found at: <http://www.perc.org/articles/BreakingtheBacklog>.

**One less ocean monument?** The *Associated Press* said March 25 that the Obama administration no longer intends to designate a Cashes Ledge National

Monument off the Coast of Maine. AP attributed the administration's plan to Council on Environmental Quality staff member Christy Goldfuss. Still on the table are a number of proposals to designate national monuments off the coast of southern New England. The proposals are controversial, with conservationists arguing that mountain and rock formations 150 miles off the New England Coast are deeper than Grand Canyon and deserve to be protected as marine national monuments. A monument designation might put the areas off limits to commercial fishing, but not to recreational fishing. Said Lisa Speer, who directs the International Oceans Program at the Natural Resources Defense Council, "It means it's off-limits to fishing; to oil and gas development; to mining activities, or any other activity that would extract marine or other resources from the area." Critics of ocean monuments such as Terry Alexander, president of the Associated Fisheries of Maine, said, "Commercial fishermen in New England face continuous regulatory uncertainty, so it is a relief to know that there is one less restriction on fishing to worry about."

**Federal rec data asked.** A broad coalition of recreation interests last month asked appropriators to put up money for an initiative to identify economic data generated by recreation activity around the country. The interests - ranging from the recreation industry to state and local park groups - told appropriators recreation data is now generated in a piecemeal way by individual federal agencies and by industry, such as the Outdoor Industry Association. Those interests would have appropriators allocate \$3.5 million to set up an Outdoor Recreation Satellite Account (ORSA) in the Department of Commerce. That department has recently established similar accounts for the arts, and for travel and tourism. Said the groups in a letter to appropriators, "The ORSA information is vital to making good choices in allocating federal funds through the budget process - for your very committee to make strategic decisions. Yet currently available information is not from the best possible public sources. Rather it has been created on an irregular basis by

the recreation industry itself." Among the 22 signatories were the American Recreation Coalition, the National Recreation and Park Association, and the Corps Network.

#### **House GOP pushes for fire aid.**

Western House Republicans made a big pitch last month for House-passed legislation (HR 2647) that would set aside some emergency fire-fighting money as disaster spending. There was catch. The legislation would also limit environmental reviews in order to promote fuel reduction projects, and that is anathema to the Obama administration. Still, House subcommittee on Federal Lands Chairman Tom McClintock (R-Calif.) pushed the Forest Service at a March 22 hearing on the Forest Service budget to support the measure. "Removing commercially viable excess timber before it can burn should yield about \$300 of direct federal revenues per acre per year if the forests were properly managed. If directed toward reclamation, we could have healthy forests again in a matter of years," he said. The Office of Management and Budget last year welcomed the House commitment to that "legislative fix." But it recommended that the transfer to disaster funding cut in at 70 percent of the 10-year average for wildfire suppression, not at 100 percent.

#### **Jewell visits Malheur.**

Secretary of Interior Sally Jewell visited the Malheur Wildlife Refuge in Oregon a fortnight ago, ostensibly to investigate what land management practices are working in southeastern Oregon and what aren't. Jewell also met with employees of the refuge that was occupied by protestors for 41 days in January and February. The protestors objected to federal land management agency restrictions, particularly on grazing. During the protest one of the leaders, Arizona rancher Robert "LaVoy" Finicum, was shot dead January 26 in a traffic stop. That shooting is still being investigated. The leaders of the protest, including Ammon Bundy, have been arrested. Said Jewell of the March 21 visit, "I'm here to talk to local leaders about what's working in southeastern Oregon

and what opportunities exist to work more collaboratively when it comes to managing our nation's public lands that belong to all of us." The *Associated Press* reported late last week that the Fish and Wildlife Service estimates restoration of the refuge will cost \$4 million. The service also spent an additional \$2 million to move refuge employees out of town for safety.

## Boxscore of legislation

### Fiscal year 2017 appropriations

No bill yet. President Obama submitted request February 9. The administration asks for more conservation spending, including full funding for LWCF.

### Fiscal year 2016 appropriations (full-year)

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

### Land and Water Conservation Fund

S 338 (Burr), S 890 (Cantwell), HR 1814 (Grijalva), S 2012 (Murkowski), S 1925 (Heinrich), S 2165 (Cantwell), unnumbered draft (Bishop), HR 4151 (Simpson), HR 2029 (Dent). Fiscal 2016 appropriations bill extends program as is for three years. Grijalva introduced April 15, 2015. Senate committee approved Murkowski bill July 30, 2015. Bishop posted draft November 5, 2015. Simpson introduced December 1, 2015. All but Bishop would extend program at \$900 million per year in perpetuity. Bishop would extend for seven years. S 890, HR 1814 and S 1925 would guarantee the money each year. Simpson would change allocation to 40 percent federal, 40 percent state and related initiatives and 20 percent flexible.

### Urban park fund

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

### NPS Centennial

HR 3556 (Grijalva), S 2257 (Cantwell), HR 4680 (Bishop). House approved Bishop bill March 16. Senate hearing December 8, 2015. S 3556 and S 2557

are administration bills that would have Congress put up an additional \$800 million for the Park Service Centennial in 2016. Fiscal 2016 spending bill includes extra \$100 million for program. HR 4680 includes little new money but several important program authorizations.

### Federal land recreation fees

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

### Emergency fire spending

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

### Monument restrictions

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

### Surface transportation

S 1647 (Inhofe), HR 22 (Davis), HR 3763 (Shuster). President Obama signed into law (PL 114-94) on Dec. 4, 2015. House approved HR 3763 November 5. Inhofe and Shuster would revise law for next six years.