

Federal Parks & Recreation

Bulletin #3: March 7, 2016

Dear Subscriber:

The attached bulletin from Federal Parks & Recreation newsletter reports on the following:

- * **Rep. Bishop formally introduces lean NPS Centennial bill**
- * **House GOP budget problem poses threat to money bills**
- * **Sportsmen's bill loaded with controversies in House**

NOTE: This bulletin is a supplement to your regular edition of Federal Parks & Recreation. It is NOT your regular issue. The next issue will be published March 11.
The Editors

Centennial legislation begins to move in House; Senate soon?

The House and Senate are edging ever so incrementally toward production of Park Service Centennial legislation, without much money.

Most recently, on March 3 House Natural Resources Committee Chairman Rob Bishop (R-Utah) introduced legislation (HR 4860) that would take a couple of major steps forward, such as establishing a Centennial Challenge Fund and revising senior citizen America The Beautiful Pass rates.

Bishop made a two-sentence announcement on introducing his bill, but, more important, immediately scheduled a mark-up of the bill for March 15. "We want to unleash private philanthropy to enhance our parks," he said. "Expanding opportunities for private donors will improve visitor experience and encourage the next century of Americans to enjoy some of our nation's most beautiful and inspiring places."

When he held a hearing on a draft version of his bill December 2 Republicans and Democrats promised to work together. Said Bishop at the time, "I'm looking forward

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to come up with what hopefully will be a bipartisan approach, which is why this is a discussion draft, which means quite frankly we are open to suggestions.”

Ranking committee Democrat Raúl M. Grijalva (D-Ariz.) was equally ecumenical. “I look forward to working with the chairman on areas where there might possibly be some compromise,” he said.

Grijalva has introduced in bill form (HR 3556) Obama administration recommendations for the Centennial that include \$500 million per year in authorizations. The Bishop bill scarcely mentions money.

In the Senate, three senior Senate Energy Committee leaders have developed a stalking horse legislative proposal for the 2016 Centennial, and beyond. Led by Sen. Rob Portman (R-Ohio), the three have offered the legislation as an amendment (SA 3295) to a comprehensive energy bill (S 2012).

Like the Bishop bill the Senate amendment would establish a Centennial Challenge Fund. Unlike the Bishop bill the senators would not revise the America The Beautiful Pass for senior citizens.

Of note the Senate amendment was also sponsored by Senate Energy Committee Chairman Lisa Murkowski (R-Alaska) and ranking committee Democrat Sen. Maria Cantwell (D-Wash.)

Park Service concessioners are optimistic the Bishop bill presents a starting point for Centennial assistance from the Hill, if not a well-endowed fund. “It’s probably something that can fly, although it’s not very ambitious,” said Derrick Crandall, counselor to the National Park Hospitality Association.

The concessioners have a laundry list of concessions reforms they are eager for Congress to address, such as an extension of contracts beyond the current 10-year limit to as much as 40 years. And they want a clarification of the meaning of leasehold surrender interest.

Both the contract length and leasehold surrender interest provisions are part of huge controversies over new concessions contracts in Grand Canyon National Park and Yosemite National Park.

On the appropriations front Congress in a fiscal year 2016 appropriations bill (PL 114-113 of Dec. 18, 2015) put up more than \$100 million extra for the Park Service Centennial.

Most significantly, it approved a \$94 million increase in Park Service operations, a \$5 million increase for a Centennial Challenge program and a \$54 million increase in a construction line item, some of which will be used for the Centennial.

The chairman of the House subcommittee on Interior and Related Agencies, Rep.

Ken Calvert (R-Calif.), suggested March 2 at an Interior Department budget hearing the subcommittee will again back the Centennial.

“Last year, the subcommittee made a substantial investment in our national parks by providing additional funds for park operations and addressing longstanding deferred maintenance issues,” he said. “We will endeavor to make similar investments this year within the confines of our 302(b) allocation.”

As we reported in the last issue of *FPR* the Senate amendment (and now the Bishop bill) are widely viewed as placeholders for more substantive legislation that is in the pipeline. That is, they would establish the Challenge Fund and other structures now with further investment anticipated down the line.

As Cantwell said February 23 at a Senate Energy Committee hearing on the Interior Department’s fiscal year 2016 budget, “I support our efforts to get legislation and was happy to introduce the initiative by the administration. But, having said that, we need to work together – Sens. Murkowski Portman and others – on a National Park Service bipartisan effort to make sure the national parks’ next 100 years are well positioned. So I know this is a big challenge in supporting new dollars.”

The ambitious administration recommendation, introduced as legislation (HR 3556, S 2257) by both Grijalva and Cantwell, would approve an additional \$500 million per year in new legislative authority, broken down into \$100 million for the new Centennial Challenge Fund, \$300 million for deferred maintenance in a new Second Century Infrastructure Investment and \$100 million for a new competitive Public Lands Centennial Fund.

The Bishop bill, in addition to the challenge fund, would establish an endowment for the Park Service using donations and an increase in lodging fees of less than five percent. The amount of money to be contained in the endowment is open-ended.

Other titles in the bill would include a catchall interpretation and education program that would work with park partners and a \$25 million, one-to-one matching program for the National Park Foundation.

The Senate amendment from Cantwell, Portman and Murkowski includes elements of both the administration and Bishop recommendations, including a Centennial Challenge Fund, an endowment for the parks, and an expanded education and interpretation program. Altogether the amendment would put up \$25 million for the legislation.

Approps may be endangered by House GOP budget fight

Speaker of the House Paul Ryan (R-Wis.) is having difficulty persuading his House Republican majority to stick to a budget agreement (PL 114-74) that Congress struck with President Obama on Nov. 2, 2015.

That agreement sets a firm cap on fiscal year 2017 domestic and Defense spending. But the House Budget Committee has been unable to summon enough Republican support to approve a budget that would put flesh on spending priorities under the agreement.

Conservative Republicans, marching as members of the House Freedom Caucus, are asking for serious cuts in the overall spending agreement. As a result of the dispute House Budget Committee Chairman Tom Price (R-Ga.) has delayed committee action until mid-month.

Without a budget agreement appropriators will almost certainly face opposition to even status quo spending bills from the House Freedom Caucus. So Congress may be in the familiar fix of being forced to move omnibus spending resolutions in the fall to keep the government in business.

Conservationists and sportsmen (and some of both) urged Congress March 3 to stick to the budget agreement. "With this budget deal, Sen. Cochran and other lawmakers delivered a huge win for wildlife and sportsmen," said Wildlife Mississippi Executive Director James Cummins. "We're calling on Congress to stick to this deal, so we can ensure our kids and grandkids get to enjoy the same opportunities we have to spend a day afield." Sen. Thad Cochran (R-Miss.) chairs the Senate Appropriations Committee.

The sportsmen wrote in their letter to Congressional leaders in both houses, "Since 1977, the percentage of the federal budget devoted to conservation has been cut in half. This trend has negatively impacted the ability of wildlife managers and scientists to conserve the habitat on which many hunters and anglers rely." More than 40 groups signed the letter.

House Republicans met in a closed meeting March 3 to discuss the budget, with Ryan and Price reportedly urging members to come together on a budget within the overall agreement caps.

In addition to overall domestic spending the Republicans are reportedly divided over Defense spending, with budget hawks wanting to cut both domestic and Defense spending and Defense hawks opposed to any cuts in the military.

For its part the Obama administration is also ignoring the spending agreement by recommending increases in spending on park and rec programs in fiscal year 2017.

Three administration proposals in particular would free up more money for park and recreation programs in an Interior Department and Related agencies spending bill – diversion of emergency wildfire spending out of the bill, diversion of a county assistance program out of the bill and new revenues on commodity users of public lands.

One big winner in the administration budget would be the Land and Water Conservation Fund, with a full-funding request of \$900 million. The administration also

renewed its call for a trio of new Park Service Centennial programs that would require new authorization from Congress worth \$500 million per year. (*See previous article.*)

The administration was somewhat limited in its request by the budget agreement. That deal essentially freezes fiscal 2017 domestic spending at fiscal 2016 levels. To generate revenues above the agreement – without requiring offsets for higher spending – the administration proposed the new commodity levies.

Sportsmen's bill picks up controversial amendments

As is its practice, the House last week loaded up a popular sportsmen's bill (HR 2406) with controversial amendments, and then approved the whole package February 26 pretty much on party lines, 242-to-161.

House subcommittee on Federal Lands Chairman Tom McClintock (R-Calif.) focused on popular base provisions of the bill and said the measure meets three major needs of the public lands:

"It removes the arbitrary and capricious restrictions that are increasingly imposed on hunting and fishing by various Federal agencies; it enlists sportsmen in the long-neglected management of overpopulated species; and it gives more funds to States for recreational activities on public lands while encouraging greater participation by the public in developing these policies."

But Rep. Lois Capps (D-Calif.) focused on the controversial provisions and said, "For fishing and hunting to be sustained, it must be done with a mind toward conservation. Unfortunately, this bill fails to achieve this need, and it threatens the very environment that supports the animals. Of course, by doing so, it endangers the sustainability and long-term viability of hunting and fishing, also."

The Office of Management and Budget (OMB), hopeful of saving the popular provisions, gave the measure a mixed review. "These important recreational opportunities abound on public lands are valued by millions of Americans who hunt and fish on public lands, forests, parks, and refuges," said OMB in a State of Administration Policy. "Accordingly, the Administration supports certain titles of H.R. 2406 that protect and further those opportunities, but opposes others which include harmful provisions that impair Federal management of federally-owned lands and undermine important existing public land and environmental laws, rules, and processes."

OMB singled out for criticism provisions that would limit environmental review, prohibit regulations barring the use of lead in sporting equipment, and forbid NPS from limiting the transportation of bows and crossbows across national parks.

Provisions in the bill would declare BLM and Forest Service lands open to hunting and fishing and recreation unless specifically closed; reauthorize the Federal Land Transaction Facilitation Act; encourage the expansion of target ranges on BLM and Forest

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

On the controversial side during debate February 26 the House adopted by a vote of 232-to-171 an amendment that would delist the Wyoming population of the gray wolf under the Endangered Species Act, reversing a federal court decision.

Sportsmen endorsed the basic thrust of the bill. The Theodore Roosevelt Conservation Partnership called the House action a "step in the right direction."

Partnership President Whit Forsburgh said now it's the Senate's turn. "What's important now is Senate action on a suite of sportsmen's priorities, including provisions aimed not only at expanding access but also at investing in key habitat conservation programs," he said.

Environmental groups that often align with sportsmen didn't this time. "The Wilderness Society, along with numerous other national conservation groups, opposes HR 2406, which was passed by the House of Representatives today," said Alan Rowsome, senior director of government relations for The Wilderness Society. "This legislation includes provisions that threaten public lands and erode bedrock conservation laws and policies. None of those harmful provisions advance the purported intent of this bill."

He singled out for criticism a provision that would allow activities in wilderness areas, such as road construction.

In the Senate backers of counterpart omnibus sportsmen's legislation are offering it in two separate packages as amendments to a "might-pass" omnibus energy bill (S 2012).

The energy bill is presently on the Senate floor and Senate Energy Committee Chairman Lisa Murkowski (R-Alaska) has twice offered the sportsmen's package as an amendment to it. No votes have been held on those amendments yet.

One of those packages (SA 3177) just addresses hunting and fishing provisions the committee approved Nov. 19, 2015. The other package (SA 3234) includes not only the hunting and fishing provisions, but also other kinds of bills approved by the committee, such as land exchanges and hydropower projects. Ranking committee Democrat Maria Cantwell (D-Wash.) cosponsored the latter package.

Not in either proposed amendment is a clutch of controversial provisions approved in sportsmen's legislation (S 659) by the Senate Environment and Public Works Committee (EPW) January 20. Those provisions would forbid EPA from banning lead in sporting gear and would revise regulations on spraying pesticides. Ranking EPW Democrat Barbara Boxer (D-Calif.) has promised to do all she can to block the two provisions.

The Senate in a number of ways is making the hunting and fishing package a priority. As noted two Senate committees have now approved complementary versions of omnibus legislation, setting up possible floor action singly or as an amendment to other legislation.

On January 20 the Senate EPW committee approved sportsmen's legislation (S 659) containing provisions affecting programs that it oversees. The Senate Energy Committee Nov. 19, 2015, approved its own sportsmen's legislation (S 556) with provisions affecting programs it oversees.

The game plan now is for Senate leaders to merge the provision of the EPW and energy committee bills and to bring them to the floor as one piece of legislation. Or to attach an amendment to the energy bill.

In addition to lead and pesticides disputes in the EPW bill, the energy committee measure contains a potentially explosive provision of its own; it would make permanent Land and Water Conservation Fund and substantially revise it. And that would give many western Republicans cause to put a damaging hold on the bill.

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