

Federal Parks & Recreation

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In this issue. . .

Greens say no to LWCF conference.

Ask Senate not to convene energy conference with House because the House bill includes objectionable provisions. However, Senate bill would make LWCF permanent... Page 1

Survey: Public would pay for NPS.

Some \$92B. Survey of public - including nonpark visitors - shows willingness to be taxed. Researchers say not loaded.. Page 3

LGBT Stonewall Monument approved.

In Manhattan. Is Obama's 24th. First monument to memorialize the LGBT movement. NPS will manage. Atlantic monument debated... Page 4

NPS's Subaru drone deal faulted.

Agency allowed company to fly drone and block traffic to film ad. Good friend of system.. Page 5

Backcountry hikers win another.

Legal agreement will allow fee-free parking near trailheads operated by FS in SoCal..... Page 7

NPCA asks change in money bills.

Says report on value of parks argues for fewer riders..... Page 8

Sen. Nelson joins Biscayne fight.

He agrees with GOP that Florida merits say on coral/fishing.. Page 11

USDA: Fire bill not tough enough.

Department blasts bipartisan bill with emergency set-aside.... Page 13

Notes..... Page 14

Boxscore of legislation..... Page 16

Enviros say Senate should give up on energy/LWCF bill

Major environmental groups are recommending that the Senate refuse to conference with the House on an omnibus energy bill, perhaps jeopardizing the future of one of their favorite programs - the Land and Water Conservation Fund (LWCF).

The environmentalists in late June asked senators to refuse to go to conference with the House on the legislation (S 2012) because the House version contains objectionable provisions.

Among other things the House bill would delegate responsibility to approve energy rights-of-way across national parks from Congress to the Interior Department, expedite approval of hard rock mining projects and expedite hazardous fuels reduction projects.

"The House-passed amendment would undoubtedly take our country down the wrong track and contains so many controversial and problematic provisions it is impossible to see how agreement could be found," said the groups. "Rejecting a conference with the current House offer is essential to protect against harm to our environment."

If the Senate follows the environmentalists' advise, that could spell finis for S 2012 because the House would unlikely accept defeat of its bill even before a conference began.

Among the 22 environmental groups signing the letter were Defenders of Wildlife, National Parks Conservation Association, Sierra Club and The Wilderness Society.

Despite the environmentalists' intransigence House and Senate leaders met June 22 to prepare for the conference.

And the office of Senate Energy Committee Chairman Lisa Murkowski (R-Alaska) posted an alert to the press on the "growing momentum for the Senate to agree to proceed to a conference."

In the alert Murkowski's aides cited a statement from House Natural Resources Chairman Rob Bishop (R-Utah) and House Energy & Commerce Chairman Fred Upton (R-Mich.) saying they would like to go to conference. And they cited a statement from Sen. Charles Schumer (D-N.Y.) that Senate Democrats are willing to go to conference.

But ranking Senate Energy Committee Democrat Maria Cantwell (D-Wash.), the principal co-architect of the Senate bill with Murkowski, said she was less than eager to confer.

At a meeting with reporters at the National Press Club in Washington, D.C., she reportedly said the issues of western drought assistance and emergency fire-fighting/timber sales may too complicate the conference, according to *Po-litico*. "So we want to deal with these things, but we don't know if the energy bill itself can bear the weight of these two enormous thorny problems made more complicated by the temperature changes that we're seeing," *Politico* quoted Cantwell.

LWCF is not in danger of expiring any day soon. Congress extended the fund for three years in a fiscal 2016 appropriations law (PL 113-114 of Dec. 18, 2015) through fiscal 2018.

But supporters want to lock in LWCF now. Although there are several other legislative initiatives to do that floating around in Congress, the energy bill provides a golden opportunity.

There is pushback. The American Land Rights Association asked its members last month to contact House and Senate members to oppose the LWCF provision in the Senate version of S 2012 in conference.

The Senate provision in S 2012, developed by Murkowski and ranking minority member Cantwell, would also revise LWCF allocations.

The Senate would allot 40 percent of the total LWCF appropriation per year for federal land acquisition and at least 1.5 percent per year (or more than \$10 million) for access to federal land for recreational purposes. It would also require expenditure of at least 40 percent of annual LWCF appropriations for a combination of state LWCF grants, Forest Legacy grants, endangered species grants and an American Battlefield Protection Program.

In addition the Senate bill would set aside \$150 million each year for Park Service maintenance from offshore royalties, but in a separate fund from LWCF.

On the House floor May 25 Rep. Raúl M. Grijalva (D-Ariz.), ranking Democrat on the House Natural Resources Committee, offered a motion directing House conferees to accept the Senate LWCF provision. The House said no in a close 205-to-212 vote.

House Natural Resources Committee Chairman Rob Bishop (R-Utah) has introduced a "discussion draft" LWCF bill that would extend the program for seven years and substantially realign program priorities. The House committee held a hearing on a draft Nov. 18, 2015.

Bishop would slash funding for the federal side of LWCF but give great support to the state side. States traditionally receive a small fraction of the total LWCF pie; the draft Bishop bill would guarantee them 45 percent. In addition Bishop would allocate five percent of LWCF to an urban recreation fund, sort of a follow-on to an Urban Parks and Recreation Recovery program. He would allocate just 3.5 percent to federal land acquisition.

On the appropriations front the House Appropriations Committee June 15 and the Senate Appropriations Committee June 16 approved the following LWCF allocations for fiscal 2017, compared to fiscal 2016:

The House bill (HR 5538) recommends an appropriation of \$145.8 million, or \$88.4 million short of a fiscal 2016 appropriation of \$234.2 mil-

lion. The committee also would reduce the state side of LWCF by \$30 million, cutting it from \$110 million to \$80 million.

The Senate committee bill (S 3068) recommends \$40 million more for federal land acquisition than the House panel, approving \$184.4 million. The senators would also allocate \$30 million more for state grants, a total of \$110 million.

Hunting and fishing: Both House and Senate versions of S 2012 include a package of sportsmen's bills, including a provision to declare public lands open to hunting and fishing unless specifically closed.

However, the House sportsmen's package includes provisions the Obama administration objects to, such as the delisting of the gray wolf from the Endangered Species Act in Wyoming and various provisions authorizing the carrying of guns.

Survey says public would pay \$94B for parks, at least

Even though all Americans don't visit the national parks, they do place an extraordinarily high value on the National Park System. According to a new survey, a value of \$92 billion.

The \$92 billion represents what taxes respondents to the survey say they would be willing to pay for the system and for National Park Service programs over ten years.

The researchers who conducted the survey said the disconnect between a \$92 billion value and an annual \$3 billion appropriation from Congress demands a reevaluation of how the parks are financed.

Said Linda Bilmes of the Harvard Kennedy School, who helped conduct the study, "This suggests to me the gap between the value of the parks and funding is so big that we need to consider the role of private philanthropy and alternative funding models along with federal dollars if we are to sustain the National Park Service for the next century."

Bilmes helped conduct the survey for the National Park Foundation in association with Colorado State University Professor John Loomis and Research Associate Michelle Haefele. The researchers say that 24 percent of their respondents identified as Democrats, 41 percent as Republicans and 35 percent as Independent or other.

The report was prepared as part of the campaign by parks advocates for support in the 2016 Centennial year of the National Park System. It differs from annual surveys of spending by Park Service economists of park visitors by surveying the broader American public for its feelings about the system.

Said NPS Director Jonathan B. Jarvis at a June 30 press conference, "This is different - and I want to make that distinction - this is really asking the American public how much they value the existence of the parks, whether they visit or not."

In the study Bilmes, Loomis and Haefele sent surveys to 4,000 Americans in 2013-2014 and in 2015. Eighteen percent responded.

But the researchers admitted that the demographics of the respondents might be loaded, in the sense that those who favor the parks would more likely fill out the requested form. Indeed, the respondents were older, wealthier, better educated and more likely to visit the national parks than the broader American public.

So the researchers said they bent over backwards to apply several screens to make the results of the survey more representative. "Therefore in our non-market valuation analysis we used a standard statistical procedure to reweight the sample observations to reflect the population," said the report. "We explored different variables to weigh on, and chose the model that gave us the most conservative value, adjusting just for the National Park visitor percentages (the valuation estimates based on weighting for demographics and visitors were quite similar, just slightly higher)."

"Furthermore," the report said, "in order to be extremely conservative in our valuation, we assumed that those households not responding to the survey after repeat mailings would not pay anything for preservation of National Parks or NPS programs."

Concluded Loomis at the press conference, "It's an economic survey and not a public opinion poll. In the economic survey we asked households if they would pay alternative dollar amounts to maintain the current National Park System and programs. And this method of asking people if they would pay higher taxes is consistent with what federal agencies do in analyses of their projects and programs to evaluate regulations."

The survey asked the public how much in federal income taxes they would be willing to pay over 10 years to support the National Park System. The technique should work, said the report.

"The results reflect rational economic behavior – the higher the dollar amount in increased taxation, the less likely respondents were to pay," said the report. "This indicates respondents were paying close attention to the payment amounts and gives us high confidence in our economic valuation."

The results, said Bilmes, is the \$92 billion figure. "It represents how much U.S. households would pay not to lose national park units and programs," she said.

The survey also asked respondents what they thought of specific policies. For instance, only 6.2 percent of those surveyed said the government should sell off some of the parks, while 40 percent said local governments should be able to supply "trails, parks and open spaces in communities without the help of the National Park Service."

Just over 20 percent said private businesses could better protect historic sites than the federal government.

The report is available at:
http://www.nationalparks.org/npf/PDF_files/NPS-TEV-Report-2016.pdf.

Stonewall Inn LGBT monument in New York is Obama's 24th

The Obama administration June 27 dedicated a Stonewall National Monument in New York City to memorialize the lesbian, gay, bisexual and transgender (LGBT) movement in this country.

The monument does not include the Stonewall Inn itself, which is private property. The President may only designate monuments on federal land. To work around that restriction New York City donated .12-acre of a park across the street to the federal government, and that park will officially host the monument.

The Stonewall Inn was the site of the beginning of the modern-day gay rights movement when tavern patrons rebelled against arrests by New York City police on May 29, 1969, touching off riots.

Secretary of Interior Sally Jewell, Presidential Advisor Valerie Jarrett and NPS Director Jonathan B. Jarvis joined state and local officials at the commemoration. President Obama actually signed the designation June 24.

The National Park Service will manage the site and is to write a management plan within three years. This is the first NPS unit devoted to the history of LGBT Americans.

Jarvis said, "The National Park Service is marking its Centennial anniversary this year with a renewed commitment to tell a more complete story of our nation, and we are incredibly proud to be entrusted with the responsibility to share the story of LGBT Americans through this historic new national park site at Stonewall National Monument. We will work closely with the community to ensure that the history we share at this site is inclusive and gives a complete perspective of the historic events that happened there."

President Obama has used the Antiquities Act to designate 24 monuments. Before designating the Stonewall Monument on June 24 he

designated a Belmont-Paul Women's Equality National Monument on April 12 near the Capitol in Washington, D.C. The monument, to be co-managed by the National Park Service, honors the Women's Rights movement.

More controversially, House Natural Resources Committee Chairman Rob Bishop (R-Utah) has added his voice to those of commercial fishermen who oppose a national monument off the Atlantic Coast. "Such a designation would override the current public process of established fisheries management and could be catastrophic to the 1.8 million-plus jobs that fishing creates," said Bishop in an editorial published in the *Boston Herald* June 25.

The Natural Resources Defense Council, among other environmental groups, is recommending protection of the area. But the Atlantic States Marine Fisheries Commission wrote President Obama in May and asked for a limited designation, at most.

Meanwhile, elected officials who represent new national monuments continue to press legislation to more fully protect the sites.

Sen. Kirsten Gillibrand (D-N.Y.) and Rep Jerrold Nadler (D-N.Y.) have introduced legislation (HR 4230, S 2386) to make the Stonewall Inn a unit of the National Park System. The legislation would designate a Stonewall National Historic Site and direct the Park Service to acquire land within the site to assemble a "manageable unit."

After President Obama on February 12 designated 1.8 million acres of the California Desert as parts of three national monuments Sen. Dianne Feinstein (D-Calif.) introduced a bill to expand protections for the monuments.

Her new bill (S 2568) would designate 230,000 acres of wilderness, 77 miles of wild and scenic rivers, and 142,000 acres for off-highway vehicle use. And it would address renewable energy by directing BLM to plan for thousands of acres of land exchanges with the State of California.

Similarly, Sen. Tom Udall (D-N.M.) has introduced legislation (S 2943) that would flesh out a 500,000-acre Organ Mountains-Desert Peaks National Monument in New Mexico. President Obama designated the monument on May 21, 2014.

The Udall bill would not only designate eight wilderness areas but also authorize the Department of Homeland Security to use wilderness areas for border security activities.

Udall and Feinstein had for years attempted to protect Organ Mountain-Desert Peaks and the California Desert areas with discrete legislation. While the monument designations under the Antiquities Act offer basic protections, they don't offer broader protections that Congress can, such as wilderness designation and wild and scenic river designation.

While national monuments on small spaces are popular in the East, large monuments on public lands in the West often draw the ire of western Republicans. To that end the House Appropriations Committee June 15 approved legislation forbidding the President from designating monuments in specific counties in eight states.

The legislation, sponsored by Rep. Chris Stewart (R-Utah), was approved by a 27-to-22 vote as an amendment to a fiscal year 2017 Interior appropriations bill (HR 5538).

The amendment would forbid the designation of any national monuments in specific counties in eight states - Arizona, California, Colorado, Nevada, New Mexico, Oregon, Utah and Maine. The amendment does not address ocean monuments.

PEER questions NPS agreement with Subaru on drone use

The Park Service struck an agreement last fall with a leading contributor to the parks - Subaru automobile company - to allow the company to stop traffic and fly drones in Shenandoah National Park.

The environmental group Public Employees for Environmental Responsibility (PEER) said June 27 the park blocked traffic for two days in October 2015 while Subaru filmed a television commercial. PEER said the park stopped traffic at 13 locations for as long as 30 minutes at a time.

Subaru is a major contributor to the National Park System and bills itself as the only automotive partner of the Park Service Centennial.

Still, said PEER Executive Director Jeff Ruch, "Closing public access to national park facilities to give corporate donors exclusive access is not part of America's best idea."

The Subaru fracas comes against a backdrop of a proposed new Park Service philanthropic policy that would encourage in a number of ways private contributions to the parks.

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.

"This episode illustrates how corporate donations can affect the way parks operate and for whose benefit," said PEER's Ruch, referencing NPS's proposed partnership policy. "This is not philanthropy; it is merchandising. These corporate tie-ins give new meaning to panhandling in the park."

NPS is attempting to raise outside money for the 2016 Centennial from Subaru and other companies because it knows full well Congress does not have the wherewithal and will to pay the hundreds

of millions of dollars required to repair and upgrade the parks.

For their part the House Appropriations Committee June 15 and the Senate Appropriations Committee June 16 approved fiscal year 2017 spending bills (HR 5538, S 3068) with modest increases for the Centennial.

The House committee said it approved \$65 million in targeted increases above fiscal 2016 levels for the Centennial out of a total Park Service appropriation of \$2.9 billion. The increases include an extra \$35 million for repair and rehabilitation, an extra \$15 million for cyclical maintenance, \$10.7 million for new responsibilities and needs, and several other miscellaneous increases.

In addition to the \$65 million, the committee would set aside \$30 million for Centennial Challenge grants to be met by matching nonfederal contributions. That's twice the \$15 million appropriation Congress approved for the Challenge program in fiscal 2016.

The Senate committee said it included an extra \$66.5 million for the Park Service Centennial, in addition to \$20 million for Centennial Challenge grants.

But the Obama administration has requested significantly greater increases, including authority to spend more than \$500 million per year.

In the Subaru case Shenandoah National Park Superintendent Jim Northrup on Oct. 19, 2015, asked Park Service headquarters for authority to approve a special use permit for the filming. The next day NPS gave Northrup the go-ahead.

In the request Superintendent Northrup said, "The park believes that the use of the drone will produce a product that will help support the Find Your Park campaign as well as showcase many dramatic viewsheds that are an integral part of the visitor experience in Shenandoah. For these reasons, the park believes that the filming activity is appropriate and compatible with the values and resources of the park."

Legal agreement bars FS entry fees at some SoCal sites

The Forest Service in Southern California will no longer be allowed to automatically charge entrance fees at sites with limited amenities.

In the case of a visitor to a trailhead with amenities who does not want to use those facilities, the Forest Service must provide fee-free parking within one-half mile.

The policy change stems from an agreement, finalized last week, between backcountry visitors and the Forest Service that settles a long-standing lawsuit. In the lawsuit the hikers said the service didn't have authority to charge for an Adventure Pass, if the hikers were not going to use amenities.

"This is a huge win, not only in southern California but in many other places where the Forest Service assumes that anyone parked near developed amenities is using them and owes a fee for that use," said Kitty Bazar, president of the Western Slope No-Fee Coalition. The coalition advised the hikers during the course of their lawsuit.

The agreement was actually struck back in February, but the U.S. District Court for the Central District of California didn't sign off on it until last week.

The agreement is available at: http://www.westernslopenofee.org/wp-content/uploads/2016/06/Settlement_Agreement-with-signatures_amended.pdf.

This marks the latest chapter in a long dispute over the Federal Lands Recreation Enhancements Act (FLREA) and the authority it provides the Forest Service and BLM to charge entrance fees at developed sites. Backcountry recreationists contend the agencies have (1) assessed the fees at sites without the amenities required by FLREA and (2), when there are amenities in an area, assessed fees on visitors who don't use the amenities.

In a seminal decision the Ninth

U.S. Circuit Court of Appeals ruled on Feb. 9, 2012, that the Forest Service practice of charging fees to enter high impact recreation areas (HIRAs) is illegal.

A three-judge panel said Congress was clear in FLREA in saying that the agency could charge fees for developed recreation areas but could not charge for entering larger areas that included developed sites.

In biting language the court said, "In sum, the statutory language is clear. The Forest Service's interpretation is thus entitled to no deference."

The court's holding came after the Forest Service in December 2011 issued new policy recommendations to the field that, if followed, would essentially eliminate fees for HIRAs.

In the instant situation backcountry hikers in 2013 filed a lawsuit claiming the Forest Service in Southern California was charging fees for parking and access to undeveloped areas. That prompted U.S. District Court Judge Terry J. Hatter in the Central District of California in June 2014 to order the Forest Service to cease and desist.

Hatter held, "It is Ordered that the Court finds the implementation of standard amenity recreation fees under the Federal Lands Recreation Enhancement Act within the Angeles, Cleveland, Los Padres and San Bernardino National Forests, in which the Forest Service charges Plaintiffs a recreation fee within standard amenity recreation fee areas without use of the developed facilities and services of the standard amenity recreation area, violates the Federal Lands Recreation Enhancement Act."

The agreement announced last week by the Western Slope No-Fee Coalition lists recreation fee sites with trailheads in the Angeles, Cleveland, Los Padres and San Bernardino National Forests.

In the broader picture FLREA is set to expire on Sept. 30, 2017, but the House Appropriations Committee June 15 and the Senate Appropriations Committee

June 16 approved legislation (HR 5538, S 3068) that would extend the law another year through Sept. 30, 2018. Congress usually extends the law that authorizes entrance and user fees on federal lands a year in advance to give land managers and the public time to gear up for the following recreation season.

Meanwhile, the House Natural Resources Committee has before it a draft bill to replace FLREA. It would comprehensively revise the law but would not increase senior America The Beautiful passes, which authorize entrance not only to national parks but to all federal lands as well.

The draft bill did rouse the opposition of the Obama administration over a provision that would require Congressional approval of fee increases.

NPCA says NPS value report demands fewer approps riders

National parks supporters are using a new survey of the value that Americans place on the national parks to argue for the removal of riders from appropriations bills now on the table.

Groups such as the National Parks Conservation Association (NPCA) say bills approved by the House and Senate Appropriations Committees last month do increase spending, but that riders remove crucial protections. (*See separate article on the survey page 3.*)

"The spending bill expected to be considered in Congress soon better invests in the National Park Service, but undermines the protection of park resources by including policy amendments that would threaten park air, water, and wildlife," said Theresa Pierno, NPCA president. "Americans deserve a spending bill that not only funds national parks, but also rejects proposals that threaten their underlying protections and resources.

Pierno also complained about underfunding, despite the increases in House and Senate appropriations bills. "For years, funding has been too small for the National Park Service, forc-

ing parks to do more with less despite their enormous economic benefit and, more importantly, their invaluable role in protecting and telling America's story," she said. But appropriators are unlikely to find more money for the parks than is already in the bills because of tight spending caps.

The survey, conducted on behalf of the National Park Foundation, holds that the American public places a \$92 billion value on the park. And that includes all Americans, not just visitors to the parks.

The House Appropriations Committee approved its fiscal year 2017 Interior and Related Agencies spending bill (HR 5538) June 15 with 30 policy amendments. In approving a counterpart bill (S 3068) June 16 the Senate committee approved at least a dozen controversial riders, by Democrats' count.

Sen. Richard Durbin (D-Ill.) warned the Senate committee that because of the riders the Interior bill not only won't make it to the Senate floor, but also is destined for a continuing resolution or omnibus bill late this year.

The riders: The House and Senate committee approved numerous legislative amendments, some of which follow:

NATIONAL MONUMENTS (House committee): The House committee provision would forbid the designation of any national monument in specific counties in eight states - Arizona, California, Colorado, Nevada, New Mexico, Oregon, Utah and Maine.

FLREA (Both committees): The underlying law is scheduled to expire on Sept. 30, 2017. If the committees' provision were enacted, it would extend FLREA through Sept. 30, 2018. Congress usually extends the law that authorizes entrance and user fees on federal lands a year in advance to give land managers and the public time to gear up for the following recreation season.

EISENHOWER MEMORIAL (Both committees): The House and Senate committees would extend a Congressional ban on the spending of construction money

on a Dwight D. Eisenhower Memorial on the Washington, D.C., Mall. Republican leaders on the House Natural Resources Committee and some Eisenhower family members object to the design of the proposed memorial.

In addition, the House committee approved no money for a memorial commission, although, it said, the measure does extend "the authority to build on the present site and requires all construction funding to be appropriated before construction begins." The Senate committee did approve \$1 million for the commission.

ALASKA REFUGE HUNTING REGS (Senate committee): The Senate committee would block regulations proposed by the Fish and Wildlife Service January 8 that would limit the hunting of wolves and bears in national wildlife refuges in Alaska. FWS says it is proposing the rule in reaction to a new State of Alaska policy that opens up refuges to increased predator control.

But Senate Energy Committee Chairman Lisa Murkowski (R-Alaska) said, "This proposed rule is incredibly unsettling to the people of Alaska, as it contains provisions that would close areas currently open to hunting and fishing. It is in direct contradiction to the process and promises laid out within (the Alaska National Interest Lands Conservation Act of 1980), which gives the State of Alaska the authority to manage our preserves, refuges, and parks."

LEAD RECREATION GEAR (Both committees): The provision would ban EPA from banning lead in "ammunition, ammunition components, or fishing tackle."

WETLANDS (Both committees): The committees would forbid EPA from implementing a May 27, 2015, rule that would expand the definition of a wetland subject to a Section 404 permit under the Clean Water Act. EPA and the Corps of Engineers said that the rule would go beyond the existing regulation that only requires a permit for navigable waters. The rule would also require permits for seasonal streams, wetlands near navigable waters and other waters.

That probably doesn't matter because two federal courts have already blocked implementation of the EPA rule of June 29, 2015. The Sixth U.S. Circuit Court of Appeals stayed the regulation nationwide on Oct. 10, 2015.

That followed up on an Aug. 27, 2015, injunction from Chief U.S. District Court Judge Ralph R. Erickson in North Dakota, that blocked the rule in 13 states, most of them in the West.

WATER RIGHTS (House committee): The committee would forbid any agency from attempting to transfer water rights to the federal government on renewal of a permit. This is aimed at a Forest Service policy, since retracted, which would have allowed the agency to assert a water claim when a ski resort renewed a permit.

On the money front appropriators were circumscribed by tight spending caps, emergency fire allocations, a \$480 allocation to a payments-in-lieu of taxes county assistance program that is sometimes funded outside spending bills and cost-of-living hikes.

The spending cap: The House Appropriations Committee assigned a spending cap to the Interior and Related Agencies subcommittee bill that is \$64 million less than a fiscal 2016 ceiling of \$30.416 billion. The committee set a cap of \$32.095 billion for fiscal 2017. Still, that is marginally above the spending cap of \$32.034 billion set by the Senate Appropriations Committee for S 3068.

Wildfire allocations: House appropriators recommended for Forest Service wildfire expenses \$2.594 billion, compared to a fiscal 2016 appropriation of \$2.386 billion. For an emergency account called FLAME the recommendation is \$315 million, compared to a fiscal 2016 FLAME appropriation of \$823 million.

The Senate committee would combine an appropriation of \$2.842 billion for regular wildfire expenses with \$490 million for emergency wildfire costs above the average as disaster spending, for a total of \$3.332 billion.

House appropriators recommended for Interior Department fire fighting \$852 million, compared to a fiscal 2016 appropriation of \$817 million. For FLAME the recommendation is \$92 million, compared to a fiscal 2016 FLAME appropriation of \$177 million.

The Senate committee would combine an appropriation of \$943 million for regular wildfire expenses with \$171 million for emergency wildfire costs above the average as disaster spending, for a total of \$1.114 billion.

In addition the Senate committee would set aside \$661 million for disaster spending, instead of just recommending a future disaster-spending adjustment for wildfires.

The numbers: Here's a summary of the two bills:

LAND AND WATER CONSERVATION FUND (LWCF) FEDERAL: The House committee approved \$145.8 million for federal land acquisition, or \$88.4 million less than a fiscal 2016 appropriation of \$234.2 million. The Senate committee approved almost \$40 million more than the House committee, or \$184.4 million.

Here is the agency-by-agency LWCF distribution with the Senate committee numbers in parenthesis after the House numbers: the Bureau of Land Management (BLM) would receive \$19.4 million (Senate \$33.4 million) compared to \$38.6 million in fiscal 2016; the Fish and Wildlife Service (FWS) would receive \$50.3 million (Senate \$47.8 million) compared to \$68.5 million; the Park Service would receive \$48.4 million (Senate \$48.4 million) compared to \$63.7 million; and the Forest Service would receive \$27.3 million (Senate \$54.7) compared to \$63.4 million.

LWCF STATE: The House committee would appropriate \$80 million, or \$30 million less than the \$110 million in fiscal 2016. The Senate committee would appropriate \$110 million once again.

PARK SERVICE OPERATIONS: The House committee approved \$2.435 billion, or \$39 million more than a fiscal 2016 appropriation of \$2.396 billion. The Sen-

ate committee would appropriate \$2.406 billion.

CENTENNIAL CHALLENGE GRANTS: The House committee approved \$30 million, or \$5 million less than the \$35 million the administration requested. The Senate committee approved \$20 million. The fiscal 2016 appropriation was \$15 million.

PARK SERVICE RECREATION AND PRESERVATION: The House committee approved \$62.6 million, about the same as the fiscal 2016 appropriation of \$62.6 million. The Senate committee would appropriate the same as the House and last year, \$62.6 million.

NATIONAL HERITAGE AREAS: The House committee approved \$19.8 million, or \$10.4 million more than the administration request of \$9.4 million. The Senate committee would also appropriate \$19.8 million.

PARK SERVICE CONSTRUCTION: The House committee approved \$215.7 million, or \$23.2 million more than a fiscal 2016 appropriation of \$192.5 million. The Senate committee would appropriate \$217.3 million.

PARK SERVICE HISTORIC PRESERVATION: The House committee approved \$78.4 million, or \$13 million more than a fiscal 2016 appropriation of \$65.4 million. Of the total \$5 million would be used for Save America's Treasures grants. The Senate committee would appropriate \$67.9 million.

SAVE AMERICA'S TREASURES: The House committee approved \$5 million, or \$5 million more than in fiscal 2016 to resurrect the program. The Senate committee did not mention the program in its bill and the Obama administration did not mention in its budget request.

STATE WILDLIFE CONSERVATION GRANTS: The House committee approved \$62.6 million, or \$2 million more than the fiscal 2016 appropriation of \$60.6 million. The Senate committee would appropriate \$62.6 million, the same as the House committee.

NATIONAL FOREST SYSTEM: The House committee approved \$1.531 billion, or

\$37 million more than the fiscal 2016 appropriation of \$1.494 billion. The Senate committee would appropriate \$1.520 billion.

FOREST SERVICE RECREATION: The House committee approved \$263.9 million, just over the fiscal 2016 appropriation of \$261.7 million. The Senate committee would appropriate \$264.6 million.

FOREST SERVICE TRAILS: The House committee approved \$77.5 million, the same as the fiscal 2016 appropriation. The Senate committee would appropriate \$74.8 million.

FOREST LEGACY: The House committee approved \$55 million, compared to a \$62.3 million appropriation in fiscal 2016. The Senate committee approved \$61 million.

BLM RESOURCE MANAGEMENT: The House committee approved \$1.082 billion, or \$9 million more than the fiscal 2016 appropriation of \$1.073 billion. The Senate committee would appropriate \$1.088 billion.

BLM RECREATION MANAGEMENT: The House committee would appropriate \$69.5 million, compared to a fiscal 2016 appropriation of the same, \$69.5 million. The Senate committee would appropriate \$68.7 million.

NATIONAL LANDSCAPE CONSERVATION SYSTEM: The House committee would appropriate \$36.8 million, the same as the fiscal 2016 number. The Senate committee would appropriate \$36.8 million also.

FWS REFUGE MANAGEMENT: The House committee would appropriate \$484.8 million compared to a fiscal 2016 appropriation of \$481.4 million. The Senate committee would appropriate \$483.4 million.

WILDFIRE FOREST SERVICE: For a wildfire appropriation the House committee recommends \$2.594 billion, compared to a fiscal 2016 appropriation of \$2.386 billion. For an emergency account called FLAME the recommendation is \$315 million, compared to a fiscal 2016 FLAME appropriation of \$823 million.

The Senate committee would combine

an appropriation of \$2.842 billion for regular wildfire expenses with \$490 million for emergency wildfire costs above the average as disaster spending, for a total of \$3.332 billion.

WILDFIRE INTERIOR: For a wildfire appropriation the House recommendation is \$852 million, compared to a fiscal 2016 appropriation of \$817 million. For an emergency account called FLAME the recommendation is \$92 million, compared to a fiscal 2016 FLAME appropriation of \$177 million.

The Senate committee would combine an appropriation of \$943 million for regular wildfire expenses with \$171 million for emergency wildfire costs above the average as disaster spending, for a total of \$1.114 billion.

Nelson joins GOP in proposing state Biscayne fishing role

A leading Democratic senator last month joined the Congressional campaign to give states a veto over fishing restrictions on national parks near oceans.

Sen. Bill Nelson (D-Fla.) introduced a bill (S 3099) that would require Biscayne National Park to coordinate any restrictions on fishing with the Fish and Wildlife Conservation Commission of Florida.

Nelson's target is a Sept. 8, 2015, Biscayne National Park general management plan that is designed to restore coral reef ecosystems by, in part, limiting fishing in Biscayne Bay.

Rep. Ileana Ros-Lehtinen (R-Fla.) has introduced a slightly more restrictive and significantly broader bill (HR 3310) that would require up-front approval of a state wildlife agency of any NPS fishing restriction. Nelson would simply require coordination. Ros-Lehtinen's bill would apply to all marine waters and Great Lakes, Nelson's just to Biscayne National Park.

The Nelson and Ros-Lehtinen bills follow up on even broader legislation

(HR 3094) approved by the House Natural Resources Committee June 15 that would give Gulf of Mexico states authority to regulate recreational fishing of red snapper in federal waters in the Gulf.

That bill is targeted primarily at the National Oceanic Atmospheric Administration and not the Park Service.

Individual states for the most part regulate recreational fishing within state waters near land, save for when the Park Service does.

Gulf senators have introduced legislation that follows Ros-Lehtinen's lead. Sens. Bill Cassidy (R-La.) and Marco Rubio (R-Fla.) introduced legislation (S 2807) April 19 that would give states a veto of Park Service proposals to limit recreational or commercial fishing.

The House committee bill to give states sovereignty over recreational fishing in federal waters enjoys the support of most sport fishing organizations. They say the National Oceanic Atmospheric Administration and the Gulf of Mexico Fishery Management Council have so lowered recreational fishing quotas that federal waters were only open for fishing nine days last year.

Said Jeff Crane, president of Congressional Sportsmen's Foundation, "The current federal model is clearly not working, and it's time for a more balanced approach to the management of this fishery."

Sportsmen were optimistic about the chances for the bill, given bipartisan support in the committee's 24-to-14 vote. "The fact that you have Members of Congress, both Democrat and Republican, from across the nation supporting this legislation, shows that this fishery needs state-based innovation that this bill will provide," said Patrick Murray, president of Coastal Conservation Association.

But there are clouds on the horizon. Two leading committee members voted against the bill - former committee chairman Don Young (R-Alaska)

and subcommittee on Federal Lands Chairman Tom McClintock (R-Calif.) In addition the Obama administration opposed the bill, having testified that regulation of federal waters is a federal responsibility.

Finally, commercial fishermen opposed the legislation. Said Bubba Cochran, commercial fisherman and the President of the Gulf of Mexico Reef Fish Shareholders' Alliance, "Commercial red snapper fishermen in the Gulf of Mexico do not support this bill... This unfunded mandate is being forced on us against our will and without our consent. This is just one more example of the federal government bullying its way into my business. Why does a Congressman from Louisiana who sits at a desk in Washington DC think he knows more about running my commercial fishing business than I do?"

Rep. Garrett Graves (R-La.), the lead sponsor of the 43 cosponsors, said, "The bottom line is this: the federal government is using flawed science and a self-preserving process to obstruct recreational and commercial access to Sportsman's Paradise."

Among the groups supporting Graves are the International Game Fish Association, Recreational Fishing Alliance, American Sportfishing Association, Theodore Roosevelt Conservation Partnership, the Center for Coastal Conservation, National Marine Manufacturers Association, and the Congressional Sportsmen Foundation.

In the face of fierce opposition from the State of Florida and House Republicans Biscayne National Park Sept. 8, 2015, nevertheless announced that it had approved a no-fishing, reef protection zone in the park's waters.

National Park Service Southeast Regional Director Stan Austin signed the Record of Decision that calls for the protection of coral reefs by limiting fishing in Biscayne Bay.

Jessica McCawley of the Florida Fish and Wildlife Conservation Commission immediately said the designation of the 10,000 acres of

water for coral reef habitat violated an agreement between the park and the state.

USDA: Bipartisan Senate wildfire bill not tough enough

The Obama administration is objecting strenuously to bipartisan Senate legislation that addresses comprehensively wildfire policy.

That includes a set-aside of some emergency costs as disaster spending, which the administration first proposed.

Testifying for the administration, Under Secretary of Agriculture Robert Bonnie told the Senate Energy Committee late last month the draft bill from Sen. Lisa Murkowski (R-Alaska) and two senior Senate Democrats would not set aside enough emergency fire-fighting money as disaster funding. Bonnie would transfer from line appropriations any expenses over 70 percent of the average, not 100 percent as in the Senate draft.

"The discussion draft falls short of fixing the fire budget problem," Bonnie said at a committee hearing. "While the discussion draft addresses the issues associated with transferring funds to cover suppression costs, the requirement to fully fund the increasing 10-year average for wildland fire suppression would mean that significantly less funding is available each year in the agency's budget for restoration and risk reduction programs, like hazardous fuels projects."

He said the draft bill would not solve the problem of fire borrowing. "Left unchecked, the share of the budget devoted to fire in 2025 will exceed 67 percent, equating to reductions of nearly \$700 million from non-fire programs compared to today's funding levels," Bonnie said. "Again, these funds cannot be paid-back through transfer repayment; rather, these are funds permanently shifted to fire and away from mission critical restoration, watershed protection, recreation, and facilities maintenance."

As Bonnie noted, when the Forest

Service uses up emergency wildfire appropriations - most every year - it must borrow from line programs, such as recreation management. Although Congress almost always restores those funds the next year, the damage has already been done to the previous year's recreation season.

Murkowski defended the legislation. "Our draft bill includes a fiscally responsible fix to permanently end the destructive practice of fire borrowing, where an agency raids its non-fire programs like recreation, wildlife, and timber to pay for firefighting," she said.

"Our fix requires Congress to provide resources to the agencies upfront - enough to cover 100 percent of the average annual cost of firefighting over the past ten years - while allowing for a limited cap adjustment in truly catastrophic years."

Murkowski's two Democratic cosponsors backed her up, sort of. Said ranking committee Democrat Maria Cantwell (D-Wash.), "In an effort to move the discussion forward, we are asking for feedback on a diverse set of ideas to tackle the challenges of catastrophic wildfires. While not perfect, we are working to drive the discussion toward consensus and a 21st century management strategy."

And Sen. Ron Wyden (D-Ore.), who has both signed on to Murkowski's legislation and introduced separate legislation (S 235) to meet the administration's demand for a 70 percent cut off, said of the committee proposal, "This draft legislation is not an end-all solution to the growing problem of fire borrowing from prevention and restoration funds, but it's a step in the right direction."

Wearing her second hat as chairman of the Senate subcommittee on Interior appropriations, Murkowski has been trying to put together a one-year, wildfire spending fix in a fiscal year 2017 appropriations bill (S 3068).

The bill, approved by the Senate Appropriations Committee June 16, would fully fund the anticipated fiscal 2017

wildfire spending costs at 100 percent. In addition, at the urging of Sen. Tom Udall (D-N.M.), the bill would authorize spending \$661 million as disaster spending, once all the suppression appropriation was spent. All told S 3067 would put up close to \$4.5 billion for wildfire in fiscal 2017.

The House Appropriations Committee June 15 also approved funding 100 percent of average emergency wildfire costs in its fiscal 2017 spending bill (HR 5538). The House panel approved a total of \$3.9 billion for wildfires. The House bill does not mention disaster spending, leaving that responsibility up to authorizing committees.

Secretary of Agriculture Tom Vilsack and Forest Service Chief Tom Tidwell have said the Forest Service and its federal and state partners are gearing up for a tough fire season this summer. Right now their primary focus is fighting fires that erupt in the 58 million acres of national forests in the wildland urban interface.

According to the National Inter-agency Fire Center the season is off to a bad start. The center said this week almost 27,000 fires have been reported and more than 2.3 million acres have burned. That compares to an average of 37,500 fires reported and a little less than 2.5 million acres burned.

However, the location of fires can increase the expense of fighting them, with conflagrations near population centers the most expensive to fight.

Contributing to the upcoming dangerous fire season, the Forest Service said June 22, is a huge new count of dead trees in California. The service said it has identified 26 million more dead trees in the state in just the last eight months, on top of 40 million dead trees in the previous five years.

Secretary of Agriculture Tom Vilsack said that the huge number of dead trees contributes to the need for disaster money for wildfires. "Unfortunately, unless Congress acts now to address how we pay for firefighting, the Forest Service will not have the resources neces-

sary to address the forest die-off and restore our forests," he said. "Forcing the Forest Service to pay for massive wildfire disasters out of its pre-existing fixed budget instead of from an emergency fund like all other natural disasters means there is not enough money left to do the very work that would help restore these high mortality areas."

Notes

Memorial Bridge money found.

Facing a huge \$250 million price tag for repairs to the Memorial Bridge in Washington, D.C., the Park Service caught a break this week. The Department of Transportation (DoT) approved an initial, \$90 million grant for the program outside the agency's annual federal lands roads allocation. The Memorial Bridge repairs alone would eat up almost all of the \$268 million allocation for all Park Service road construction and repairs. Nationally, the service faces a \$6 billion road maintenance backlog. For the Memorial Bridge repairs DoT grabbed the \$90 million from a program called FASTLANE, for which Congress approved \$800 million in total this year. Memorial Bridge is one of the nation's most revered spans, connecting the Lincoln Memorial in Washington, D.C., to Arlington National Cemetery on the other side of the Potomac River. However, the bridge, built in 1932, has never had a major rehabilitation and is beginning to deteriorate badly. The \$90 million from FASTLANE is no guarantee. FASTLANE grants may make up no more than 60 percent of a project's cost. So much more money is needed from city, state and federal sources. Virginia and Washington, D.C. elected officials requested the FASTLANE grant. In a joint statement they said, "While additional federal resources will be needed to complete this \$250 million project, this funding will allow NPS to move forward with planning and contracting immediately so that construction can begin early next year."

Outdoors Month declared success.

For the seventh straight year the President and all governors declared June the Great Outdoors Month. Moreover 18 governors hosted campouts, either at state

capitals or at campgrounds. Moreover and moreover the Western Governors Association hosted a Great Outdoors Western Campout in conjunction with the Western Governors' Association summer meeting in Jackson, Wyo. As a subset of Great Outdoors Month various organizations held events such as National Trails Day, National Get Outdoors Day, National Marina Day, National Fishing and Boating Week, Great American Campout, and Get Into Your Sanctuary. On the policy front leaders in the park and recreation field met in Washington, D.C., in early June and called for heavy lobbying now for park and recreation programs in advance of a new administration and a new Congress next year. Convening in Washington, D.C., two former senators, Secretary of Interior Sally Jewell and numerous other speakers advised the recreation community to start advocating immediately for their programs with Presidential candidates, Congressional candidates and their staffs. More information on Great Outdoors Month is available at <http://funoutdoors.com/>.

DoI designates Oregon landmark.

The Park Service said June 28 that Secretary of Interior Sally Jewell has designated Mount Howard-East Peak in northeastern Oregon as a national natural landmark. The site is distinguished by its Montane Grasslands. Congress has given the secretary of Interior authority to designate national natural landmarks of biological and geological significance. The designation does not add new restrictions to management of a site. Mount Howard-East Peak in the Wallow-Whitman National Forest is the 598th such landmark. Mount Howard rises to more than 8,000 feet above the Wallowa Lake. Although the Forest Service manages the land, the Park Service is in charge of the landmarks program.

National parks' plans are aging.

More than half of the major units of the National Park System are operating without management plans or under dated management plans. The Public Employees for Environmental Responsibility (PEER) said June 30 that it surveyed 108 major units in the 411-unit system - including all 59 national parks - and found that only 51 have current management plans. PEER said a 1978 law directs each park to re-

new its general management plan within 20 years. Of course most national parks right now are tied up with the Centennial of the system. Besides, it requires a lot of time and money to write general management plans. Still, PEER Executive Director Jeff Ruch said parks need a rudder. "Twenty years is a long time for large parks to drift without any game plan," he said. "Without long-term priorities, no wonder that the Park Service maintenance backlog has ballooned out of control."

NPS holds design symposium. As part of its 2016 Centennial the Park Service last month brought together 145 design experts to review past and future strategies for protecting historic park buildings and landscapes. Attending the meetings in Santa Fe, N.M., were architects, engineers, landscape architects, site managers and cultural resource professionals from around the country. The symposium was organized by the Park Service National Center for Preservation Technology and Training and was sponsored by the Friends of NCPTT, the New Mexico Department of Cultural Affairs, Living New Deal, the American Society of Landscape Architects - New Mexico Chapter, and the National Trust for Historic Preservation. More information is available at <https://www.ncptt.nps.gov/events/century-of-design-in-the-parks/>.

Fort Sumter a national park? Sen. Tim Scott (R-S.C.) introduced legislation (HR 3103) June 28 that would designate Fort Sumter and Fort Moultrie a national park. Fort Sumter in Charleston Harbor, the site of the first shots of the Civil War, was designated a national monument in 1948. Fort Moultrie has been managed as part of Fort Sumter since 1960. "South Carolina's history is forever connected with the history of our nation as a whole, and establishing Fort Sumter and Fort Moultrie National Park will help ensure our history is preserved for generations to come," Scott said. The idea of a national park in the area has been around for some time. In 2002 then Sen. Strom Thurmond (R-S.C.) introduced legislation that would have designated the forts as a National *Historical* Park. The first shots of the Civil War were fired on April 12, 1861, at Fort Sumter.

Boxscore of legislation

Fiscal year 2017 appropriations

HR 5538 (Calvert), S 3068 (Murkowski). House committee approved June 15. Senate committee approved June 16. Both committees would trim LWCF spending, include fire and PILT appropriation in bill. The administration asks for more conservation spending, including full funding for LWCF.

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 approved Murkowski bill April 20. 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 committee reported Bishop bill May 19. Senate approved placeholder legislation (S 2012) April 20. 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.

Wetlands regulations

HR 594 (Gosar), HR 2028 (Simpson), S 1140 (Barrasso). House approved HR 2028 May 1. Barrasso introduced April 30, 2015. Would forbid completion by EPA of regulations expanding kinds of water bodies requiring wetlands protection permit. 141 cosponsors. Also included in House and Senate spending bills.

Surface transportation

S 1647 (Inhofe), HR 22 (Davis), HR 3763 (Shuster). President Obama signed into law (PL 114-94) on Dec. 4, 2015. Funds Transportation Alternatives Program and Federal Lands Roads Program for fiscal years 2016 through 2020 with modest increases.