

# Federal Parks & Recreation

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## **Visitation to receive major emphasis in NPS Centennial**

The Park Service last week introduced an overarching theme to guide the implementation of its 2016 Centennial campaign. It's called 'Find Your Park' and reactions, predictably, are mixed.

NPS will use the theme in partnership with the National Park Foundation and other entities to boost visitation to the national parks.

Said NPS Director Jon Jarvis, "We are excited to use the Centennial to invite every American to get to know their national parks and to understand how our one hundred years of conservation experience translates into on-the-ground revitalization projects in their neighborhoods. Our campaign will encourage Americans to 'Find Your Park' - to discover a personal connection to a place or a story that provides inspiration or enjoyment, and to then join us in our second century of stewardship of America's most treasured places."

For national park concessioners the campaign and Jarvis's words represent a welcome shift in emphasis. "This is a sea change," said Derrick Crandall, counselor to the National Park Hospitality Association. "This is the first time in my career where visitation is the primary focus of the National Park Service."

He added, "We don't want to forget about protection of resources, but the National Park Service Organic Act (of 1916 as amended) has not been followed, the way I read it. Protection has been giving primacy over the sharing of those resources. I think the Park Service is signaling that it is going to fight to compete to control a piece of the

American public's leisure time."

The balancing act between visitation and protection is and always has been sensitive. The Coalition of National Park Service Retirees, while not dismissing visitation, has usually given primacy to protection.

Coalition Chair Maureen Finnerty said NPS has not cast the final die on that balancing act in the Centennial. "It's too early to assume that the Centennial Campaign will place too much emphasis on visitation, or that it will under-emphasize the quality of the visitor experience," she told us. "The National Park Service, in its Centennial 'Call to Action' focuses on four themes: Connecting to people, Advancing education, Preserving places, and Organizational excellence, all of which are important. However none is more important than preservation of park resources and values, as National Park Service law and policies underscore."

But that doesn't mean the coalition does not endorse the visitation theme for the Centennial. "The Coalition of National Park Service Retirees supports the Centennial campaign with its core goals to connect new audiences to national parks, including ethnically and racially diverse Americans, Millennials, and urban dwellers," said Finnerty. "These new connections will be good for the long-term stewardship of national parks and invite a broad cross section of Americans to discover all the national parks have to offer."

One former Park Service retiree, former Shenandoah National Park Superintendent Bill Wade, expressed some apprehension about the visitation theme.

Emphasizing that he was speaking as a former Shenandoah National Park superintendent and not as a member of the retirees coalition, he said, "We understand the need to 'engage' citizens with the national parks to develop political support, but we also see the irreparable impacts occurring in many parks because of an unwillingness to establish and enforce appropriate capacity limits. It would

seem appropriate that for an event as important as the 100th anniversary of the NPS there should be strong, but equal emphasis of the entire mission of the NPS."

The Park Service forwarded to us this quote from director Jarvis encouraging an increase in visitation: "The national parks offer incredible and life-changing experiences to visitors, but there is a cohort of people who have not experienced these places and don't even know what we can offer them. So I think we have to bring the parks to the people, and let them know that this is something that belongs to them and that they can go and experience it, both on amazing trips but also in their own communities. If we are successful with this effort, we will deepen the connection between the American people and their national parks."

However that balancing act ends up, NPS has now initiated preparations of the National Park System for the Centennial and beyond. The March 24 announcement effectively carried out the recommendations of the PR firm Grey New York, which reportedly received \$2 million for its efforts.

That recommendation will have NPS, the foundation, the concessioners, conservationists and other partners use the Find Your Park theme to, as NPS said last week, "produce programs, events, and activities that will drive broad awareness, deepen engagement, and increase support for America's national parks, the work of the National Park Service, and its partners."

NPS acknowledged that the Find Your Park theme is in part the work of Grey New York and that Grey New York will continue to participate in the Centennial planning. "The Find Your Park campaign has been developed by Grey New York working closely with National Park Service and National Park Foundation staff," said NPS spokeswoman April Slayton. "Grey New York is a world-class communications partner that will continue to be part of the team planning the centennial campaign."

On March 4 the Obama

administration recommended a \$600 million-plus increase in the NPS budget in fiscal year 2015 alone to prepare for the Centennial.

The National Parks Conservation Association's John Garder, director for budget and appropriations, worked up a summary of the extraordinarily complex administration Centennial funding proposal.

The summary begins with a \$55 million appropriations hike and counts \$192 million in Land and Water Conservation Fund appropriations. It then enumerates the new authorizations requested by the administration, including a \$100 million Centennial Challenge, a \$200 million deferred maintenance fund, a second \$100 million deferred maintenance account for the Centennial, a portion of \$100 million from a Centennial Land Management Investment Fund, and a portion of \$100 million Opportunity Growth & Security Initiative. *(See related article on appropriations page 7.)*

As for money paid to the Grey New York firm the NPS spokeswoman said, "The National Park Foundation, the official non-profit partner of the National Park Service, has generously funded the participation of Grey New York in the planning of the public information campaign component of the National Park Service Centennial."

### **House GOP still not happy with Obama's LWCF guarantees**

House Natural Resource Republicans unleashed their usual attacks on the Land and Water Conservation Fund (LWCF) April 3 when Secretary of Interior Sally Jewell presented the fiscal year 2015 department budget to them.

The Republicans showed little interest in meeting the administration's request for authorizing legislation that would guarantee \$900 million per year for LWCF.

Said chairman Doc Hastings (R-Wash.), "There is no better example of misplaced priorities than with the

proposed full funding for the Land and Water Conservation Fund. Once again, the Department's budget emphasizes federal land acquisition over proper maintenance and care of the land it already owns. The National Park Service and U.S. Fish and Wildlife Service are facing billion dollar maintenance backlogs; this is where the Department should be using resources."

Jewell acknowledged the administration's LWCF ambitions, saying the program is "one of the Nation's most effective tools for expanding access for hunting and fishing, creating ballfields and other places for children to play and learn, protecting traditional uses such as working ranches and farms, acquiring inholdings to manage contiguous landscapes, and protecting Civil War battlefields."

Ranking House Natural Resources Committee Democrat Peter DeFazio (D-Ore.) criticized Congressional Republicans for diverting LWCF money. "It is being underspent and a massive amount is being directed by appropriations committees to who knows where and what . . . It's a tax and it's supposed to be spent on conservation programs," he said.

DeFazio added he would consider killing two birds with one stone by allowing some LWCF money to be spent on maintenance. "The (LWCF) is up for reauthorization next year and if the majority would like to enter into a meaningful discussion of whether some of those funds could be dedicated to our deteriorating park infrastructure that's a discussion I would be happy to engage in," he said.

In a related development the House Budget Committee approved a fiscal year 2015 Congressional budget April 2 that recommends a shift in LWCF priorities.

Instead of guaranteeing \$900 million per year for LWCF the budget would continue to have Congress decide how much money the program should receive. And it would put a higher priority on federal land management agency maintenance backlogs.

The Senate will almost surely ignore the House budget, leaving in place a grand budget agreement of Dec. 26, 2013 (PL 113-67) that doesn't address LWCF. But the House Budget Committee is on the record in opposition to guaranteed LWCF spending.

Despite the Republicans' complaints LWCF may be in for a small uptick in fiscal 2015 spending from appropriations committees because of a proposed new system of paying for fires. The administration proposal, complemented by bipartisan legislation that has already been introduced, could free up more than \$400 million because emergency fire fighting would be paid for from a budget disaster account.

**The numbers:** Here are some of the administration's recommendations compared to fiscal 2014 appropriations (PL 113-76 of January 17):

**LWCF FEDERAL:** For federal land acquisition the administration recommended \$187 compared to a final fiscal 2014 appropriation of \$167.4 million. The breakdown: NPS acquisition, \$56 million (2014=\$43.5 million); BLM, \$25 million (2014=\$19.5 million); FWS, \$55 million (2014=\$54.4 million); and FS, \$51 million (2014=\$43.5 million).

We have not included proposed land acquisitions from LWCF financed by a new guaranteed fund because that is so speculative.

**LWCF STATE:** For state LWCF grants the administration recommended \$48 million, the same as a fiscal 2014 appropriation of \$48 million.

We have not included proposed increases in state grants financed by a new guaranteed fund because that is so speculative.

**STATE WILDLIFE GRANTS:** For wildlife grants the administration recommended \$50 million, down by \$8.7 million in a fiscal 2014 appropriation of \$58.7 million.

**URBAN PARKS AND RECREATION RECOVERY:** For urban parks the

administration recommended \$25 million compared to no appropriation in fiscal 2014.

**NPS OPERATIONS:** For operation of the Park Service the administration recommended \$2.284 billion compared to \$2.237 billion in fiscal 2014. That includes only a small fraction of the new Centennial appropriations.

**HISTORIC PRESERVATION:** For the National Historic Preservation program the administration recommended \$56.4 million, the same as a fiscal 2014 appropriation.

**NPS CONSTRUCTION:** For NPS construction the administration recommended \$138.4 million compared to a fiscal 2014 appropriation of \$137.5 million. Again, that does not include new Centennial money.

**NPS REC AND PRES:** For NPS recreation and preservation the administration recommended \$52 million compared to a fiscal 2014 appropriation of \$61 million.

**NPS HERITAGE AREAS:** For National Heritage Areas the administration recommended \$8.2 million compared to a fiscal 2014 appropriation of \$18.3 million.

**BLM LAND AND RESOURCES:** For management of BLM lands the administration recommended \$954 million compared to a fiscal 2014 appropriation of \$957 million.

**BLM RECREATION:** For BLM recreation the administration recommended \$68.5 million compared to a fiscal 2014 appropriation of \$66.9 million.

**FOREST SERVICE:** For the National Forest System the administration recommended \$1.640 billion compared to \$1.496 billion in fiscal 2014.

**FWS OPERATIONS:** For operation of the Fish and Wildlife Service the administration recommended \$1.260 billion compared to a fiscal 2014 appropriation of \$1.188 billion.

**WILDLIFE REFUGE SYSTEM:** For

management of the National Wildlife Refuge System the administration recommended \$476.4 million compared to a fiscal 2014 appropriation of \$472 million.

*FIRE FIGHTING:* For the Forest Service the administration proposes \$2.265 billion for regular wildfire programs, compared to a fiscal 2014 appropriation of \$2.162 billion. The administration would eliminate an emergency fire fighting account called FLAME that put up \$315 million in fiscal 2014. Instead the budget would pay for emergency fires above a baseline outside of regular appropriations and through a disaster account.

For the Interior Department the administration proposes \$794 million in regular wildfire programs compared to \$741 million in fiscal 2014. It would also eliminate \$92 million from FLAME for emergency fire fighting and replace it with the disaster account.

## **Boxer asks states and locals for help with highway rec**

After listening to state and local governments extol recreation programs tied to surface transportation, Sen. Barbara Boxer (D-Calif.) last week urged them to help her support the programs.

"I want you to know this Transportation Alternatives Program was one of the hardest things I ever did in my life," she said March 27 at a hearing of the Senate Environment and Public Works (EPW) Committee with state and local officials. She was referring to the existing surface transportation law she helped write two years ago.

Then, addressing Indianapolis Mayor Greg Ballard who was testifying at the hearing, she asked, "Is it possible you could be a voice for the Transportation Alternatives Program and get as many as mayors as you can on a letter to me and Sen. Vitter? It would mean a lot." Vitter is Sen. David Vitter (R-La.), ranking minority member of the committee.

She went on, "In the old days in

California people wanted to live on a mountain top and raise their kids up there on a hill and it's beautiful. The trouble with that, they found out years later, the kids really wanted to live in town so they could walk to the store and walk to school and not count on mom and dad for everything."

Piquing her interest was praise for community trails from state and local officials.

In addition to Mayor Ballard, a Vermont state official and a transportation planner from Delaware told the committee that citizens of their communities were demanding alternative downtown transportation. That is, there is a growing desire among citizens to walk and bicycle to stores, schools and sports facilities.

Money for those ways comes from the above-mentioned Transportation Alternatives Program, which in turn finances the transportation enhancements program, a recreational trails program and a Secure Rural Schools program to a tune of about \$760 million per year.

Mayor Ballard, a Republican, told the committee he was particularly proud of the 82 miles of bike trails his city has built recently. "Now people can start commuting in a way they want," he said. "They want to be able to go outside their doors to go to school, to shop, to go to sports facilities. They want them close by and want to be able to get to them in multiple ways. We believe that attracts talent to our city. Cities are searching for talent in an international competition and those talented people want to be in a city that can do that (provide trails to facilities.) The transportation alternatives money gives us an opportunity to give these young people a fun way to move and frankly the senior citizens use them quite a bit too."

Sue Minter, deputy secretary of the Vermont Agency of Transportation, concurred. "These programs are essential for our communities as well," she told the committee. "We have a real focus on vital communities and with the Transportation Alternatives Program

small communities of less than 1,000 seriously cannot afford this. We have a very competitive program and people are clamoring for bike paths, for more sidewalks and all the economic benefit that comes from it."

Finally, Dave Gula, principal planner for the WILMAPCO in Delaware (a coalition of local governments), said, "The new workforce is gravitating to activity centers, cities and towns, just as the empty-nest boomers are looking for the same lifestyles. These groups are more likely to rent a bicycle than take a taxi, or just walk a few blocks farther to get some exercise. If we do not make the best investments with our transportation funding, those two groups will be moving to regions that provide them with the most varieties of travel modes."

But the Transportation Alternatives Program is up against a demand from conservative Republicans that Highway Trust Fund money be spent on highway and bridge construction, and not on recreation.

In that regard the pivotal person on the EPA committee will almost certainly be ranking committee Republican Vitter. And at the hearing he repeated the demand that transportation money be spent on roads and bridges.

"Our surface transportation infrastructure consists of several categories or types of roads that come together to create a network," he said. "In order to have a healthy and efficient network that can move people and goods, all the pieces of that network need to be cohesive and strong. This means investing in the critical rural roads and bridges that we rely on to safely get our kids to school and move this country's vast resources including our agricultural and energy resources to market. This means investing in the Interstate system to improve the lanes of commerce and improve our connectivity. And it means investing in the vital corridors that link the two." He didn't mention transportation alternatives.

But Sens. Mike Lee (R-Utah) and Marco Rubio (R-Fla.) did mention transportation alternatives April 1 in an amendment (SA 2925) to an unemployment benefits bill now on the Senate floor - they would eliminate the program.

The larger goal of the amendment is to limit the federal role in surface transportation to Interstate highways. Lee and Rubio would allow states to use the remainder of Highway Trust Fund money they received as they saw fit. Lee and Rubio have introduced the measure, which has dim prospects, as a stand-alone bill (S 1702).

The Senate EPW committee and the House Transportation Committee plan to write multi-year surface transportation bills before the existing law, Moving Ahead for Progress in the 21st Century Act (PL 112-141 of July 6, 2013), expires on September 30.

But those authorizing committees don't have the hardest job. The Senate Finance Committee and the House Ways and Means Committee do. They must come up with the \$46 billion to \$75 billion per year the legislation will need.

Boxer last week laid out this agenda: "My goal is to get a transportation bill out of the EPW committee that provides, we hope, six years of funding certainty. I am having discussions with (Senate Finance Committee) Chairman (Ron) Wyden (D-Ore.) and ranking member (Sen. Orrin) Hatch (R-Utah) to address the shortfall in the Highway Trust Fund. This committee has responsibility to reauthorize MAP-21. The finance committee has responsibility to fund it. We are going to mark up the bill at the end of April."

Her counterpart House Transportation Committee Chairman Bill Shuster (R-Ohio) in February laid out this schedule for developing a bill this year: "We hope to take Committee action in the late spring or early summer with the goal to be on the House floor before the August recess. This way there will be time to conference our bill with the Senate's bill."

As part of his fiscal year 2015 budget request President Obama proposed a restructuring of the tax code to boost total surface transportation funding from the current \$46 billion per year to \$75 billion.

The administration said the proposal would make available for surface transportation programs \$150 billion in new money, bringing the four-year recommendation for a transportation bill to \$302 billion.

Ratcheting up the pressure Acting Under Secretary of Transportation Peter M. Rogoff told the House Transportation Committee March 4 that the Highway Trust Fund may run out of money this summer, forcing highway projects to close down.

MAP-21 (PL 112-141 of July 6) consolidated such programs as transportation enhancements, recreational trails into a Transportation Alternatives line item. The estimated allocation to the Transportation Alternatives program was \$760 million per year, or about a \$200 million decrease from prior years. In addition the programs must complete with each other and with other programs for the \$760 million.

Within Transportation Alternatives MAP-21 set aside \$85 million for the recreational trails program, while allowing states to opt out if they wished.

## **Senators give NPS Centennial approps varying receptions**

Sen. Jack Reed (D-R.I.) indirectly expressed some optimism last week that the fiscal year 2015 appropriations portion of an ambitious Park Service Centennial budget request could be met.

However, the appropriations portion of the more than \$600 million increase for the Centennial only amounts to \$40 million. Authorizing committees must put up the rest of the money, which Reed does not control. Reed chairs the Senate subcommittee on Interior appropriations.

**GOP inquiry:** From the other side of the aisle Senate Republicans appeared to hit the pause button March 31, asking the Government Accountability Office (GAO) to investigate NPS spending. Led by ranking appropriations subcommittee Republican Lisa Murkowski (Alaska), three senators asked GAO to analyze NPS spending, the agency's maintenance backlog and its fee collection program.

Murkowski is of course at war with the Interior Department over a Dec. 23, 2013, decision not to approve a road across the Izembek National Wildlife Refuge to the community of King Cove in Alaska.

Murkowski didn't mention the road controversy as a reason for the request for the GAO investigation, and perhaps she didn't have to because it was understood. Cosigning the letter to GAO were Sens. Tom Coburn (R-Okla.) and Mike Enzi (R-Wyo.)

In their letter the senators set out their reasons for writing GAO. "In the current fiscally-constrained environment, effective allocation of resources is especially important and it is our understanding that a formal review of the National Park Service has never been conducted. To provide Congress with a more complete understanding of the NPS' structure and potential opportunities for administrative savings and improved efficiencies throughout the agency, we ask that GAO undertake a formal review of the National Park Service," they wrote.

The letter added, "Last year alone, the National Park Service delayed more than a quarter billion dollars in much needed maintenance projects, adding another substantial sum to the over \$11.5 billion deferred maintenance backlog already threatening the health, safety, and accessibility of park visitors. In the current fiscally-constrained environment, effective allocation of resources is especially important and it is our understanding that a formal review of the National Park Service has never been conducted."

Despite those GOP caveats Reed

told Secretary of Interior Sally Jewell March 26 at a hearing of the Senate subcommittee on Interior appropriations, "I'm very pleased you have requested \$40 million to fund improvements in the National Park System to gear up for the Centennial in 2016. This request includes \$10 million to reinvigorate the Centennial Challenge Grant program to leverage nonfederal investments to improve park facilities and visitor services."

Adding still more optimism Reed said an administration budget proposal to pay for expensive emergency fires out of a disaster account and not his appropriations bill would free up money. The administration proposal, complemented by bipartisan legislation that has already been introduced, could release more than \$400 million from Reed's appropriations bill.

"I was very pleased to see the President has focused on this issue and has included fire money in the budget framework," he said. The extra money could be used for "the Land and Water Conservation Fund, resource conservation and energy permitting," he said.

But Reed was not totally happy with the administration's 2016 Park Service Centennial budget because, he said, it gives national heritage areas (NHAs) short shrift.

"As for national heritage areas," he said, "I note with some chagrin the budget this year has been decreased. In order to make this (Centennial) a truly national celebration I think every state should have a vested interest in this thing." One of Reed's top priorities every year is the Blackstone River Valley National Heritage Corridor in, of all places, Rhode Island.

The administration's fiscal 2015 budget request, released March 4, recommends a \$10 million decrease for NHAs, down from \$18.3 million in fiscal 2014 to \$8.2 million.

Jewell, perhaps aware that Congress usually restores NHA money in appropriations bills, said, "Yes, the budget was cut and part of that is in

recognition of the need for us to work closely with communities on getting local support for national heritage areas. The budget is tighter than we'd like it to be as it relates to the national parks overall and we had to make some tough choices."

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It then enumerates the new authorizations requested by the administration, including a \$100 million Centennial Challenge, a \$200 million deferred maintenance fund, a second \$100 million deferred maintenance account for the Centennial, a portion of \$100 million from a Centennial Land Management Investment Fund, and a portion of \$100 million Opportunity Growth & Security Initiative.

In her testimony before Reed's subcommittee Jewell gave this projection: "Overall, the Centennial Initiative - including mandatory, discretionary, and Opportunity, Growth, and Security Initiative resources - will allow NPS to ensure that 1,700 (or 20 percent) of the highest priority park assets are restored to good condition. The effort creates thousands of jobs over three years, provides over 10,000 work and training opportunities to young people, and engages more than 265,000 volunteers in support of public lands."

Meanwhile, the Park Service is proceeding on its own to lay the foundation for the Centennial. On March 24 the agency announced a two-year campaign to drum up support for the parks called "Find Your Park." The campaign will feature a joint NPS-National Park Foundation effort to give the parks greater visibility, and greater visitation. (*See related article page one.*)

## **EPA, Corps backs sportsmen on wetlands, but GOP is miffed**

Bird hunters and fishermen are welcoming an Obama administration proposal to define waters that should be subject to Section 404 wetland permits. But western politicians are not nearly as welcoming.

EPA and the Corps of Engineers said March 25 they have prepared a draft rule that would go well beyond the existing regulation that only requires a Section 404 Clean Water Act permit for navigable waters. The new proposal would also require permits for seasonal streams, wetlands near navigable waters and, maybe, other types of waters.

That leaves open the status of prairie potholes that provide crucial breeding grounds for ducks. Said Ducks Unlimited Director of Conservation Planning and Policy Dr. Scott Yaich, "We will be looking carefully at how wetland categories, such as prairie potholes, are treated in the draft rules. The science clearly shows their importance to downstream waters and water users and, in the interest of our mission, members and partners. We want to help ensure the final rule accurately reflects the scientific consensus."

In the draft rule EPA and the Corps said the jury is still out on regulating potholes. "The agencies are considering whether to determine by rule that prairie potholes, Carolina and Delmarva bays, pocosins, Texas coastal prairie wetlands, western vernal pools, and perhaps other categories of waters, either alone or in combination with 'other waters' of the same type in a single point of entry watershed have a significant nexus and are jurisdictional," said the draft rule.

However, threaded through the 371-page proposed rule are statements about the science of potholes that suggest the agencies are leaning towards including them in a final rule.

For instance at one point the agencies say, "Wetlands and open waters in landscape settings that lack bidirectional hydrologic exchanges with

downstream waters (e.g., many prairie potholes, vernal pools, and playa lakes) provide numerous functions that can benefit downstream water quality and integrity."

The agencies said that most farming operations would continue to be exempt from a rule.

The proposal did not sit well with the Western Governors' Association, although the governors did not object to the substance of the proposal so much as to the development of it.

Western Governors' Association Chairman John Hickenlooper (D-Colo.) and Vice Chairman Brian Sandoval (R-Nev.) wrote the agencies March 25, "While the Environmental Protection Agency (EPA) and U.S. Army Corps of Engineers (Corps) have provided briefings to inform states that rulemaking is underway, the conversations to date have not been sufficiently detailed to constitute substantive consultation. Western Governors strongly urge both EPA and the Corps to engage states as authentic partners in the management of Western waters."

Western Republican senators did object to the substance. Said Sen. Mike Crapo (R-Idaho), "This proposed rule that threatens to drastically increase the jurisdiction of the Clean Water Act (CWA) is unacceptable. By expanding the reach of the federal government, this proposed action threatens to undermine states' primacy and private property rights in regulating wetlands and other bodies of water not intended to be included in the CWA, such as ditches, ponds and other bodies of water."

Sportsmen were more amenable. Said Trout Unlimited CEO Chris Wood, "Many of these small waters provide vital spawning and rearing habitat for trout and salmon. Simply stated, the proposal will make fishing better. Restoring protections to these waters ensures healthy habitat for fish and a bright future for anglers."

The Supreme Court was evenly divided in a June 19, 2006, decision, *Rapanos v. U.S. Nos. 04-1034 and 04-*

1384, which muddied the regulatory waters. On the one hand the court did uphold the authority of the Corps and EPA to regulate water bodies. But crucially it also limited the definition of a water body to navigable waters without clearly defining navigable waters.

The Bush administration relied on the court decision to limit permitting to navigable bodies. The Obama proposal would expand the permitting.

There is a long way to go. The agencies will now hold a 90-day comment period. More information: [www.epa.gov/uswaters](http://www.epa.gov/uswaters).

## **Rec establishment lines up behind old fee principles**

Much of the park and recreation establishment this week was endorsing a continuation of a broad federal agency recreation fee policy. That policy sets entrance fees to developed sites and returns most revenues to collecting agencies.

To show their support an alliance of recreation industries and conservationists was preparing a letter to the House subcommittee on Public lands shortly before a hearing today (April 4) on the issue.

The alliance of groups such as the National Parks Conservation Association, the American Motorcyclist Association and the American Recreation Coalition has agreed on a dozen principles.

They include the obvious ones - entrance fees, return of fee revenues to agencies, inclusion of the Corps of Engineers and a transparent process.

For instance on public involvement the groups say, "Public involvement in federal recreation site fee programs is vital. The first step is better notification of fee program proposals. Notification of new and changed fees should be made to all obviously affected organizations and local citizens, . . ."

On the table at the hearing is

(or will be) a draft bill to revise the existing Federal lands Recreation Enhancements Act (FLREA) that is due to expire at the end of 2015. Subcommittee chairman Rob Bishop (R-Utah) and other legislators are acting now to get a new policy in place so the agencies can prepare to replace FLREA.

Not all recreation interests are on board. Backcountry users allied as the Western Slope No-Fee Coalition oppose much of the draft bill beyond basic entrance fees for the Park Service.

Coalition President Kitty Benzar, a leader of the active recreationists, still objects to the draft bill as too many fees in too many places. "It would return us to the days of Fee Demo: all fees all the time on anyone doing anything anywhere," she said. Fee Demo preceded the existing rec fee law that Congress enacted in 2004.

And signers of the endorsement letter are not in accord on every issue. For instance groups such as the Americans for Responsible Recreation Access, primarily an industry alliance, is not satisfied with the existing federal recreation advisory committee (RAC) system.

Said association executive director Larry E. Smith, "There are problems with the RACs. They are cumbersome and appointments are not made and the process is slow. We can't get decision on specific areas. . . There is an effort to eliminate them, but we want to know how we can have input and when and where there should be fees. It has to be transparent."

As for the bigger picture on the legislation's future, veteran lobbyist Smith said, "The good news is Republicans and Democrats are working together on this and both are committed to getting a bill done."

There are other hitches, besides the criticism from the Benzar group and the RAC concern. Outfitters on federal lands told Bishop March 10 that his draft recreation fee bill could effectively put them out of business.

The American Outdoors Association and allied groups said the draft bill could be interpreted as requiring outfitters operating with special recreation permits to pay broad federal maintenance costs. The debated provision (Section 807 of the draft) would do that by levying a cost recovery charge against each permit.

The Bishop draft bill also addresses - although does not satisfy - complaints of recreation visitors that the Forest Service and BLM sometimes charge fees for access to backcountry areas. The draft specifies where the agencies may and may not assess day use and facility fees.

Another area of concern is the inclusion of the Corps of Engineers in the program. Bill supporters generally endorse application of the program to the Corps but they worry that the existing Congressional budget law would require most fee money to be sent to the U.S. Treasury, and not be retained for Corps rec projects, as other agencies now do.

The Corps presently collects about \$45 million per year in fees but can't spend the money on its facilities. Under the federal budget law if the Corps were included in the federal rec law, it would not be able to use any of the first \$30 million it collected in a year. So the legislators would have to find a budget offset for the \$30 million, no easy task in the best of times.

One brief sentence in the draft bill would include the Corps in the program, perhaps as a marker with more wordage to come.

Passes may be a touchy subject. The subcommittee draft would retain an America The Beautiful federal lands pass at \$80 per year. The Western Slope No-Fee Coalition would reduce that to \$60.

The recreationists would also extend a senior citizen lifetime pass for \$10 at the age of 62. But some recreation officials said that such a sweeping pass penalizes younger visitors.

Congress bought itself time to rewrite FLREA by including a one-year extension in an interim fiscal year 2014 appropriations spending law (PL 113-46 of October 16). FLREA is now due to expire on Dec. 8, 2015.

FLREA, enacted on Dec. 8, 2004 as PL 108-447, Section 804, was only good for 10 years. The law produces about \$270 million per year in fee revenues and most of the money is used to improve recreation facilities.

The Park Service brings in from fees about \$179 million per year, or about eight percent of its recreation budget; the Forest Service takes in about \$66 million, or 25 percent of its recreation budget; the Bureau of Land Management receives \$18 million, or 25 percent of its recreation budget; the Fish and Wildlife Service grosses \$5 million, or one percent of its rec budget; and the Bureau of Reclamation receives less than \$1 million.

The draft committee bill is available at: [http://naturalresources.house.gov/uploadedfiles/3-04-14\\_flea\\_discussion\\_draft.pdf](http://naturalresources.house.gov/uploadedfiles/3-04-14_flea_discussion_draft.pdf).

## **Senate committee approves Suh, Schneider nominations**

The Senate Energy Committee March 27 approved the nominations of Rhea Suh as assistant secretary of Interior for Fish and Wildlife and Parks and Janice M. Schneider as assistant secretary of Interior for Land and Minerals Management.

The vote on Suh was a close 12-to-10 on party lines. The vote on Schneider was 18-to-4.

Ranking committee Republican Lisa Murkowski (R-Alaska), who led the opposition to Suh, has repeatedly questioned Suh's qualifications. "I firmly believe that it should be a nominee's first instinct - not a last resort - to be responsive and provide information when asked by members of this committee," she said.

Committee Chair Mary Landrieu said

she recognized that Suh's nomination was controversial, but that Suh's testimony indicated she would support energy development, a primary concern of Landrieu. "Before this committee, she stated unequivocally that she would 'absolutely support the responsible development of natural gas and other fossil fuels from our public lands,' and that she 'will work hard to ensure that decisions that are made, specifically by the Fish and Wildlife Service, are made in such a way that recognize the importance of natural gas to the country's energy needs,'" said Landrieu.

The full Senate must still approve the nominations. If Suh's nomination stalls, she may end up remaining in her position as assistant secretary of Interior for Policy.

That's because the Interior Department March 20 said that Tommy Beaudreau has been asked to serve as chief of staff, effectively withdrawing his nomination for assistant secretary for Policy, and setting off a game of musical chairs.

The appointment would mean the current assistant secretary for Policy, Suh, could remain in the policy position.

It also may mean the administration's nominee for assistant secretary of Interior for Land and Minerals Management, Schneider, can move to final confirmation in the Senate. Schneider has been paired with Suh in the nomination process. Beaudreau is currently serving as acting assistant secretary for Land and Minerals.

A Beaudreau appointment to chief of staff also may take the pressure off Landrieu, who is facing a tough reelection battle against Republican Bill Cassidy (R-La.) He has reportedly criticized Landrieu for supporting Suh, who is not considered a fan of energy development in energy-rich Louisiana.

Landrieu voted for both the Suh and Schneider nominations in committee.

**The elephant in the room:** Ranking committee Republican Murkowski said

February 12 she will vote against Suh's nomination. Among other things Murkowski said Suh has not adequately answered her questions about an Interior Department decision rejecting construction of a road across a wildlife refuge in Alaska to the community of King Cove.

Murkowski's anger could spell big trouble for the Obama administration and Secretary of Interior Sally Jewell in particular next year if Republicans take over the Senate, as they are expected to do.

The Alaskan advised Jewell in a private meeting March 25 that she, Murkowski, would be in a different, more powerful position next year as both the chairman of the Senate Energy Committee and chairman of the Senate Appropriations subcommittee on Interior, according to the *National Journal* after an interview with Murkowski. That is, if Republicans take over the Senate, as they are projected to do.

The energy committee on January 16 did approve the nominations of acting BLM Director Neil Kornze as BLM director and Beaudreau as assistant secretary of Interior for Policy. However, the full Senate has yet to vote on those nominations.

After a seven-month review the Senate February 27 confirmed the nomination of Michael L. Connor to serve as the deputy secretary of the Interior by a 97-to-0 vote. President Obama announced the nomination on July 30, 2013.

Connor, who is now the number-two policy-maker in the department, has served as commissioner of the Bureau of Reclamation since 2009. He replaced David Hayes as the chief operating officer of the department.

The present Interior Department chief of staff, Laura Daniel Davis, has announced her intention to leave that position by the end of April, opening up the position to Beaudreau. Jewell notified the department of the changes in an employee message March 20. So here is how Jewell's cadre may shake out:

Connor serves as chief deputy, Beaudreau serves as chief of staff, Suh remains as assistant secretary for Policy, Schneider becomes assistant secretary for Land and Minerals, and Rachel Jacobson continues as acting assistant secretary for Fish and Wildlife and Parks.

## House approves new NEPA restraint on monuments

The House approved legislation (HR 1459) March 26 that would significantly limit a President's authority to designate national monuments under the Antiquities Act of 1906. The vote was 222-to-221.

First and foremost, the bill would require an environmental review prior to designation, delaying a monument action. To prepare an EIS would take more than two years. In addition the measure would allow only one Presidential designation per state for every four-year term in office.

House subcommittee on Public Lands Chairman Rob Bishop (R-Utah) said on the House floor that it was hypocritical for Democrats and environmentalists to demand environmental reviews for commercial uses of public lands and not for monument designations.

"This is simply intellectual gymnastics at the highest level," he said. "Either getting public input is good, in which case we should pass this bill, or getting public input is bad, in which case there are a lot of things that we should change around here."

In a report accompanying the bill the House Natural Resources Committee also complained about excessive use of the Antiquities Act to designate monuments.

"The Act was designed to prevent damage to specific sites, not to be a national land-use planning tool covering vast landscapes or as a backdoor maneuver to lock up lands, including private property and other inholdings,

for purposes that deny public access for recreation and job-creation," said the committee. "There is no good reason for major land-use decisions, like monuments created under the Antiquities Act, to be done in secret without allowing proper stakeholder input."

But committee Democrats charged the Republican majority with hypocrisy for trying to impose new environmental reviews on monuments at the same time they are attempting to minimize environmental reviews of commodity uses of public lands in other legislation.

"While the majority has repeatedly sought to truncate or prohibit environmental reviews for drilling and mining, H.R. 1459 aims to require heightened environmental analysis for potentially time-sensitive conservation proposals," the committee minority said in a dissent.

Besides, monuments are popular, said ranking House Natural Resources Committee Democrat Peter DeFazio (D-Ore.) "If they are so aggrieved and it is so egregious, I wonder why they haven't done (attempted to repeal a specific designation). Perhaps because it enjoys tremendous popular support, except from among a few people."

The Democrats said members of both parties had introduced numerous monuments bills in this Congress but the committee has not acted on them. "The Majority complains about the Antiquities Act and then fails to give new monument proposals a fair hearing," the Democrats said.

Western Republicans have been chafing at the bit for a generation because of unilateral Presidential designations as national monuments large tracts of public lands.

They usually cite the Clinton administration designation of a 1.9 million-acre Staircase-Escalante National Monument in Utah in 1996 with minimal consultation with state and local governments. The Bureau of Land Management (BLM) manages the monument.

But conservation groups have

put increasing pressure on the Obama administration to use the Antiquities Act to protect large tracts of public lands. The Wilderness Society said it has identified 25 wilderness and conservation bills that are hung up in Congress and said Obama should step up and designate those areas as national monuments.

The list of bills pending on The Wilderness Society list is at: <http://wilderness.org/article/wilderness-bills-await-congressional-action>.

A representative of recreation industries operating on the public lands backed the legislation. Said Larry Smith, executive director of Americans for Responsible Recreation Access, "This just makes sense. If every other major management action on public lands requires NEPA, why shouldn't the potential designation of millions of acres of public lands also have to undergo this process?"

But Craig Obey, senior vice president of government affairs for the National Parks Conservation Association, disagreed. "This is a sad day for our national parks, which are universally appreciated throughout our country and the world," he said. "The parks, including those added via the Antiquities Act, enjoy overwhelming public support, which makes action to reduce presidential authority to protect such places under the Antiquities Act all the more mystifying."

In what may be the first in a series, President Obama March 11 designated 1,665 acres of California Coast near Point Arena as part of a national monument. The designation adds the land to an existing California Coastal National Monument managed by BLM.

President Obama suggested in his announcement that more monuments are in the pipeline. "In my State of the Union address, I said that I would use my authority to protect more of our pristine federal lands for future generations," he said. "Our country is blessed with some of the most beautiful landscapes in the world.

It's up to us to protect them, so our children's children can experience them, too. That's what today is about. By designating Point Arena-Stornetta Public Lands a national monument, we'll also support the local economy."

Potential new monuments with significantly larger acreage are in line. Leading the pack is a proposed 500,000-acre Organ Mountains-Desert Peaks National Monument in New Mexico (BLM managed) and a 500,000-acre Boulder-White Clouds area in eastern Idaho (BLM and Forest Service managed). Legislation to protect those areas has been around for several Congresses

## Notes

**New House budget moves.** The House Budget Committee approved a fiscal year 2015 Congressional budget this week that follows an overall spending limit of \$1.014 billion that was agreed to by Congress and the Obama administration in December. Beyond that the budget recommends a shifting of priorities. Instead of guaranteeing \$900 million per year for the Land and Water Conservation Fund (LWCF), as the administration has recommended, the House budget would continue to have Congress decide how much money the program should receive. And the House would put a higher priority on federal land management agency maintenance backlogs than on land acquisition. The Senate will almost surely ignore the House budget, leaving in place the agreement of Dec. 26, 2013 (PL 113-67). House Budget Committee Chairman Paul Ryan (R-Wis.) said he wrote the new budget to attack downstream spending and administration proposals to exceed the budget agreement.

**Washington Monument to reopen.** After closing the Washington Monument for nearly three years for \$15 million in repairs, the Park Service will reopen the Washington, D.C. landmark May 12. To make up for the closure because of an Aug. 23, 2011, earthquake NPS will run extended hours through the summer, from 9 a.m. to 10 p.m. Tickets may be obtained on a first-come, first-served basis at 8:30 a.m. the day of a visit at the lodge at the monument's

base. Half the \$15 million, or \$7.5 million, was donated by philanthropist David Rubenstein. Congress appropriated the other half. For most of the last three years scaffolding has graced the monument and provided the city with an almost-architectural landscape. Said Rubenstein, "The National Park Service has done a spectacular job of repairing the monument, and I hope as many people as possible will soon be able to see the unique view from the top."

#### **Wyoming goes to court on haze.**

Wyoming Gov. Matt Mead (R-Wyo.) said March 28 the state has sued EPA for rejecting a 2011 state plan for eliminating haze over public lands. The day before filing the suit the state also petitioned EPA to reconsider its action. After EPA rejected portions of the Jan. 12, 2011, Wyoming plan, it proposed a federal plan for the state on June 10, 2013, that Mead said would cost utilities in the state hundreds of millions of dollars, if not billions of dollars. The EPA rule and the state rule are supposed to reduce haze over Class I public lands (wilderness areas and national parks). EPA said the state plan failed because it did not establish rigorous controls over coal-fired power plants. EPA did approve the rest of the state plan. In the petition to EPA Wyoming Attorney General Peter K. Michael accused EPA of changing its reasons for rejecting the Wyoming plan between substantive objections to the science to errors in cost analyses. "One could attribute these inconsistencies to the EPA's desire to arrive at a reasoned decision," he said. "But, the shifting standards and conclusions evident in the EPA's erratic actions illustrate the underlying arbitrariness of the agency's approach to the State's well-reasoned plan for improving visibility in national parks and wilderness areas."

#### **NPCA backs Obama methane plan.**

The National Parks Conservation Association (NPCA) said March 28 that a White House plan to reduce methane emissions could help the national parks. The plan is somewhat nebulous at this point, consisting of instructions to various departments to develop rules and agreements to reduce methane emissions.

But those agency actions could lead to substantive policy changes in the future. Said Nick Lund, oil and gas program manager for the National Parks Conservation Association, "Air pollution from oil and gas development threatens national parks around the country - from Arches National Park in Utah to Theodore Roosevelt National Park in North Dakota to Delaware Water Gap National Recreation Area in Pennsylvania and New Jersey - and methane pollution from natural gas drilling sites and leaking pipelines is a big part of that threat."

**D-J and P-R continue to pay.** The Interior Department said last week the Pittman-Robertson sport hunting program and the Dingell-Johnson sport-fishing program will collectively pay out \$1.1 billion for conservation projects in fiscal year 2014. Pittman-Robertson will distribute \$760.9 million and Dingell-Johnson will distribute \$325.7 million. The money for the programs comes from taxes on hunting and fishing equipment. The fiscal 2014 allocations to the programs are inflated because they include pay back of sequestered fiscal 2013 money, the Fish and Wildlife Service said. The programs have generated more than \$15 billion since Congress established Pittman-Robertson in 1937 and Dingell-Johnson in 1950.

#### **PEER: Parks progress on bottles.**

The environmental group Public Employees for Environmental Responsibility (PEER) said last week that 23 units of the National Park System now ban plastic water bottles. PEER said that in 2013 the following units banned plastic bottles: Colorado National Monument; in Texas, Pecos and San Antonio Missions National Historic Parks; in North Carolina, the Outer Banks Group; and in Utah, Natural Bridges and Hovenweep National Monuments. NPS Director Jon Jarvis on Dec. 14, 2011, effectively delegated responsibility to ban bottles to parks subject to the approval of regional directors. Jarvis created a national controversy in 2010 when he blocked a Grand Canyon National Park proposal to ban the bottles.

#### **States' shutdown remuneration.**

Nine House members introduced

legislation (HR 4353) April 1 to compensate the six states that used their own money to keep the National Park System open during a government shutdown in early October 2013. None of the nine is a Democrat. By contrast two of the eight senators introducing a counterpart bill March 11 are Democrats - Sens. Mark Udall (D-Colo.) and Michael Bennet (D-Colo.) The lead Senate sponsor is Sen. Jeff Flake (R-Ariz.) The lead House sponsor is Rep. Cory Gardner (R-Colo.) During the shutdown six states - Arizona, Colorado, New York, South Dakota, Tennessee and Utah - used their own money to keep units of the park system open. They contributed collectively \$2 million. Now the states want that money back. The legislation would require NPS to repay the states. The money would come from regular appropriations. Said Gardner, "During the government shutdown last fall, the state of Colorado made the right decision to keep Rocky Mountain National Park open to visitors. Now it is our turn to do the right thing and make our states whole again. The Shutdown Windfall Reimbursement Act is an easy fix to ensure that our states get the money that is rightfully theirs."

## Boxscore of Legislation

### Appropriations fiscal 2015

No bill yet. President Obama submitted a budget request to Congress March 4 that would in general increase natural resources spending. For NPS Centennial it proposes more than \$600 million in increases.

### Congressional Budget Fiscal 2015

No bill yet but Rep. Ryan introduced. Would stick with December budget agreement. Opposes LWCF guarantee.

### Appropriations fiscal 2014 (All agencies)

HR 3547 (Lamar Smith). President Obama signed into law January 17 as PL 113-76. Law appropriates modest across-the-board increases for park and rec programs.

### Federal land recreation fees

No bill yet (Bishop). Bishop draft now circulating that would continue entrance fees, user fees and passes. Obama budget asks Congress to approve permanent law.

### Land and Water Conservation Fund

S 338 (Baucus), HR 2727 (McKinley). Baucus introduced February 14. McKinley introduced July 18. Baucus would guarantee \$900 million per year to program in perpetuity. McKinley would guarantee state grants received at least 40 percent of annual appropriations.

### Urban park fund

HR 2424 (Sires). Sires introduced June 18. Would authorize HUD grants and HUD loans to provide assistance to urban parks.

### National recreation commission.

HR 1834 (Grijalva). Grijalva introduced May 6. Would establish a national recreation commission with members appointed by Congress and the White House.

### National monuments

HR 250 (Chaffetz), HR 382 (Foxx), HR 432 (Amodei), HR 1434 (Daines), HR 1439 (Labrador), HR 151 (Pearce), HR 757 (Stewart), HR 1459 (Bishop), HR 1495 (Gosar), HR 2192 (Nunes), S 104 (Vitter), S 472 (Heller). House hearing April 16. Would require Congressional approval or state approval of national monuments under the Antiquities Act.

### National heritage areas

HR 445 (Dent). Dent introduced February 1. Would establish national policy and national standards for heritage areas.

### Montana wilderness/recreation areas

S 37 (Tester). Tester introduced January 23. Would designate 666,260 acres of wilderness, six recreation areas totaling 288,780 acres and special management areas totaling 80,720 acres.

### Farm bill

S 954 (Stabenow), HR 2642 (Lucas). President Obama signed into law (PL 113-79) February 7. Establishes new farm policy for five years and finances conservation programs.

### Sportsmen's packages

HR 3590 (Latta), S 1996 (Hagan). House approved February 5. Hagan introduced February 4. Measures include numerous individual bills, including designation of public lands as open-unless-closed to hunting and fishing.