

# Federal Parks & Recreation

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Volume 31 Number 16, August 9, 2013

In this issue. . .

## **Pols differ on spending details.**

*Senate subcommittee heads outline generous item-by-item approps for FY 2014. House committee meets to fight about tighter spending. CR inevitable?... Page 1*

## **Jewell keeps AGO as top priority.**

*In speech to employees on her six main areas of concern. She says NPS Centennial good opportunity to spread the AGO word..... Page 3*

## **Has NPS found lost police guns?**

*Jarvis tells House subcommittees almost all have been located. Hundreds thought missing.... Page 5*

## **Court delays Yosemite decision.**

*Gives NPS five more months until end of December to complete valley plan. McClintock angry..... Page 6*

## **Pols differ on FY 2014 riders.**

*In spending bills. House would extend FLREA; Senate not. Both agree on New York access.... Page 7*

## **Highway money bills collapse.**

*Senators block because of too much money. House members say not enough. Rogers is stuck.... Page 8*

## **Gettysburg among many land bills.**

*House, Senate continue to address assorted proposed measures.. Page 9*

## **Politics alive at Point Reyes.**

*Dispute over oyster farm becomes more and more tendentious... Page 11*

**Notes..... Page 12**

**Conference calendar..... Page 15**

## **Senators back generous DoI spending; House discord**

The leaders of the Senate Interior and Related Agencies Appropriations subcommittee August 1 published what they called a draft of a fiscal year 2014 spending bill with significant increases for park and rec programs.

Overall, the draft bill would appropriate almost 20 percent more money than a counterpart bill approved by the House subcommittee on Interior and Related Agencies Appropriations July 23. That is, the Senate draft would appropriate \$30.2 billion, or \$5.9 billion more than the \$24.3 billion the House subcommittee approved.

Meanwhile, the House Appropriations Committee began consideration of its version of the subcommittee's fiscal 2014 bill July 31, but was not able to complete action on it. Because Congress left on a five-week vacation August 2, the measure will not return to the committee until the second week in September, if then.

Because Congressional leaders plan to be in session only nine days in September, a continuing resolution to keep the government running is likely once the fiscal year begins October 1, barring a total government shutdown.

Besides, the version of an Interior bill published by the Senate subcommittee chairman Jack Reed (D-R.I.) and ranking subcommittee Republican Lisa Murkowski (R-Alaska) is so different from the bill the House committee is working on that compromise will range from exceedingly difficult to impossible.

Still the Senate draft provides a counterweight to the House bill. Reed and Murkowski said in a joint statement that while their bill will

be criticized, "We hope this draft document will serve as a meaningful start as discussions continue to finalize a fiscally responsible, balanced FY 2014 Interior bill."

Secretary of Interior Sally Jewell deplored the House spending plan. Of the bill before the House Appropriations Committee last week she said, "We need to continue efforts to ensure the nation's long-term fiscal sustainability, but there is a way to find meaningful savings in the budget while still supporting our basic missions and promoting economic growth."

She added, "Instead of making drastic cuts to programs that create jobs, support the middle class and foster economic development, we should be working together on strategic ways to reduce the deficit while making the investments we need to keep America's conservation legacy strong, to power our future, to perform essential research, and to strengthen tribal communities."

Of importance, the Senate draft bill surfaced the day after House Appropriations Committee Chairman Hal Rogers (R-Ky.) apparently gave up on austere House spending bills. After House Republican leaders July 31 realized they didn't have the votes to pass a Transportation appropriations bill, they pulled it from the floor. *(See related article page WHAT.)*

Rogers all but quit on the sequestrations that are driving austerity. "With this action, the House has declined to proceed on the implementation of the very budget it adopted just three months ago," he said. "Thus, I believe that the House has made its choice: sequestration - and its unrealistic and ill-conceived discretionary cuts - must be brought to an end."

At the same time Rogers said the Senate spending ceilings are unrealistic. "And, it is also clear that the higher funding levels advocated by the Senate are also simply not achievable in this Congress," he said.

In sum the draft Senate bill

follows closely the fiscal 2014 Obama administration budget request, at least as it applies to numbers. *(See the following article for info on riders.)*

The preliminary House Appropriations Committee mark-up of the Interior bill July 31 addressed just seven amendments (none directly addressing park and rec) in more than four contentious hours.

Subcommittee chairman Mike Simpson (R-Idaho) defended the measure and ranking subcommittee Democrat Jim Moran (D-Va.) blasted it.

Simpson said he did the best he could under the spending cap he was given. "The Committee recommendation makes a clear attempt to delineate the critical 'must do' priorities from other priorities in this bill," he said. "Funding reductions - and yes, even termination of some programs - are necessary in order to provide critical funding for higher priority human health, public safety, and treaty obligations and responsibilities throughout the bill."

Simpson acknowledged that Congress may restore money for some conservation programs, such as land acquisition. "To help pay for the most critical funding needs, the bill proposes the termination of funding for land acquisition," he said. "I suspect this will change by the time we complete our work later this year."

Moran didn't hold back. "This bill is a disgrace and this markup as a result is going to be long and ugly, Mr. Chairman," he said. "It is our responsibility to make this hard. If we are going to go down, we are not going to go down easily, not when the stakes are so profoundly important to our country."

**The numbers:** Here are some of the proposals in the two bills compared to fiscal 2013, but not counting 5.5 percent across-the-board sequestrations in fiscal 2013.

*LWCF FEDERAL:* Senate draft, \$225 million; House subcommittee, zero; fiscal

2013, \$186 million.

*LWCF STATE*: Senate draft, \$45 million; House subcommittee, zero; fiscal 2013, \$45 million.

*STATE WILDLIFE GRANTS*: Senate draft, \$61.2 million; House subcommittee, zero; fiscal 2013, \$61.2 million.

*URBAN PARKS AND RECREATION RECOVERY*: Senate draft, \$10 million; House subcommittee, zero; fiscal 2013, zero.

*FOREST LEGACY*: Senate draft, \$60 million; House subcommittee, zero; fiscal 2013, \$53 million.

*NPS OPERATIONS*: Senate draft, \$2.279 billion; House subcommittee, \$2.121 billion; fiscal 2013, \$2.214 billion.

*HISTORIC PRESERVATION*: Senate draft, \$65.9 million; House subcommittee, \$45.3 million; fiscal 2013, \$56 million.

*NPS CONSTRUCTION*: Senate draft, \$145 million; House subcommittee, \$106 million; fiscal 2013, \$131 million.

*NPS REC AND PRES*: Senate draft, \$64.3 million; House subcommittee, \$48.5 million; fiscal 2013, \$60 million.

*NPS HERITAGE AREAS*: Senate draft, \$21.2 million; House subcommittee, \$8 million; fiscal 2013, \$9 million. In addition the Senate draft would extend for one year the authorization for 12 national heritage areas. The House subcommittee would not.

*FOREST SERVICE RECREATION*: Senate draft, \$261 million; House subcommittee, \$262 million; fiscal 2013, \$276 million.

*FOREST TRAILS*: Senate draft, \$81.4 million; House subcommittee, \$82.5 million; fiscal 2013, \$78.1 million.

*BLM RECREATION*: Senate draft, \$51.8 million. Fiscal 2013, \$48.6 million. House not broken out.

*WILDLIFE REFUGE SYSTEM*: Senate

draft, \$484 million; fiscal 2013 \$478 million. House not broken out.

The Senate draft bill is at: <http://www.appropriations.senate.gov/news.cfm?method=news.view&id=b3e22f9d-a060-45eb-90ef-1225244125a7>.

An explanation of the Senate draft bill that constitutes a kind of report is available at:

<http://www.appropriations.senate.gov/news.cfm?method=news.view&id=d1037190-bf9c-420c-a8a5-79c0ef9c495c>.

The House committee bill is available at: <http://appropriations.house.gov/uploadedfiles/bills-113hr-fc-ap-fy2014-ap00-interior.pdf>.

The draft House committee report is available at: <http://appropriations.house.gov/uploadedfiles/hrpt-113-hr-fy2014-interior.pdf>.

## **Jewell puts GAO, Centennial on her 2013 priority list**

Secretary of Interior Sally Jewell last week gave significant emphasis to President Obama's signature conservation effort - America's Great Outdoors (AGO) - in laying out her priorities to Interior Department employees.

AGO went first in Jewell's list of her six top priorities (although she said it was not necessarily her top priority) in a July 31 address to department employees.

"First, celebrating and enhancing

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## **Publishing Schedule Change**

*Dear Subscriber:*

*We are taking a brief break in our publishing schedule during the annual August Congressional recess. The next issue of Federal Parks & Recreation will be published on September 6. All offices will be open throughout August. We will resume a regular biweekly publishing schedule in late August.*

*If big news breaks in the next fortnight we will send you a bulletin.*

America's Great Outdoors," she said. "That's what we are known for."

Jewell said the upcoming National Park System Centennial in 2016 offers a chance to spread the AGO word. "So we have a great opportunity with the upcoming Centennial of the National Park System, which is three short years away, to really shine a spotlight on America's Great Outdoors agenda and broadly apply it to all of our public lands," she said.

As part of the AGO promotion Jewell called on department employees to promote the \$646 billion annual economic benefits of recreation to the economy. "We need to make the case for the economic benefits of these lands," she said. "We already know the conservation benefits."

Jewell's other five priorities are Indian policy in general, energy development, adapting to the Millennial Generation (those born between 1980 and 1995), water policy and balancing uses in large landscapes.

The secretary said her priorities do not vary much from those of her predecessor, Ken Salazar. "Basically, these are not radically different than what you have been doing," Jewell told the employees, "maybe a little tweaking, maybe a little change."

As a background to those priorities Jewell listed three major themes that will affect the department - limited budgets, climate change and adapting to the different demands of different generations.

Jewell, former CEO of the recreation company REI, became the 51st Secretary of Interior April 15, replacing Salazar. While Jewell has laid out her priorities to numerous Congressional committees and in public meetings before she had not set her priorities in stone for her employees. Now she has.

The Obama administration launched AGO on Feb. 16, 2011, at an Interior Department event that included Jewell, then CEO of REI. Among the

recommendations of the AGO report was a significant increase in recreation-related exercise for young people.

In its fiscal year 2014 budget request April 10 the Obama administration proposed two major new changes stemming from AGO - expansion of the Land and Water Conservation Fund and, more tangentially, expansion of the role of the Bureau of Reclamation.

In a related development spadework on the National Park System Centennial continues apace, most recently with a reported agreement that the Centennial will be the theme of the 2016 Rose Bowl Parade in Pasadena, Calif.

Of great importance to the Centennial is a campaign to find money for the National Park System to supplement annual appropriations.

Leading senators from both parties in early June backed public-private partnerships as a means of providing significant new revenues for the system. Most specifically, Sen. John Portman (R-Ohio) said he and Sen. Mark Udall (D-Colo.) are seeking support for legislation to establish an endowment with matched dollar-for-dollar public-private contributions to the parks. Past such proposals recommended as much as \$1 billion per year.

The senators are following up in a way on both a private Second Century Commission report that advocates regeneration of the park system and a Centennial blueprint written by the Park Service itself, *A Call to Action*. Among other things *A Call to Action*, published on Aug. 25, 2011, recommended a \$1 billion endowment program.

As a follow-up to reports major organizations backing NPS are attempting to identify unconventional revenues for the parks. The National Park Foundation, the National Parks Conservation Association and the National Park Hospitality Association have come up with some 16 recommendations.

The recommendations were presented March 19 to a stellar group of past and

present Congressmen, cabinet members and other VIPs of the park and rec world at a meeting hosted by the Bipartisan Policy Center.

At the meeting two sources of revenue appeared to draw the most interest - diversion of a portion of oil and gas royalties to a new NPS fund of about \$350 million per year and a penny per gallon gasoline tax of about \$1.5 billion per year. (The gas tax would be used for all federal land management agency roads, not just park roads.)

Jewell's speech to the employees is available at:  
<http://new.livestream.com/usinterior/TownHall>

## **NPS has apparently tracked down 'lost guns;' IG miffed**

The Park Service now says that sloppy bookkeeping led to an Interior Department Inspector General (IG) report that said hundreds of Park Service police weapons were not accounted for.

NPS Director Jon Jarvis told two House subcommittees August 2 that a "thorough physical inventory" has tracked down all but three weapons. And those three were assigned to officers who were not available because they were deployed overseas or were on extended leave.

"We want to assure the Committees that the department, the NPS and the USPP (U.S. Park Police) take very seriously the accountability of weapons used by our law enforcement personnel," said Jarvis. "We will work together to monitor compliance with the IG's direction on this matter."

Neither the IG's office nor the two chairmen holding the hearing were willing to let the matter drop. Assistant Interior Department Inspector General for Investigations Robert A. Knox said, "In the end, we have little confidence that USPP has the managerial commitment to implement a professionally responsible firearms management program without direct and frequent oversight from the National Park Service, the

Office of Law Enforcement and Security, and the OIG."

Knox said the IG would conduct further reviews. "Among the 10 recommendations we make in our report is a recommendation to initiate quarterly firearms inventories, to include serial number verifications, and provide the OIG with the results," he said.

Rep. Jason Chaffetz (R-Utah), chairman of the House subcommittee on National Security, referred to earlier reports of misplaced USPP weapons and said, "This was a problem before; it's a problem again; it's not acceptable."

Rep. Rob Bishop (R-Utah), chairman of the House subcommittee on Public Lands that cohosted the hearing, said, "They've got to get their act together. This is not the way to run a government agency."

The Interior Department IG began its review after receiving a complaint from an individual that the USPP could not account for military-style rifles. But the review quickly blew up into a full-scale study.

"Having found the firearms inventory program in utter disarray, we discontinued our efforts to prove or disprove the complainant's allegations, and changed our approach to focus on the overall management of the USPP firearms inventory program," said Knox.

According to the IG report, the USPP Force Firearms Custodian said he was trying to keep track of weapons with several spreadsheets and could not reconcile property numbers for the weapons among them. He said he thought typographical errors caused most discrepancies.

Still, the IG report said, "The Force Firearms Custodian said he continued to find and receive weapons from different locations without NPS property numbers. According to his estimate, approximately 100 firearms, including shotguns and automatic weapons, did not have NPS property numbers and did not appear on inventory records."

Once the Park Service received the IG report on June 27, Jarvis said the agency and the Interior Department went to work to clean up the inconsistencies.

"The first priority has been to conduct a thorough physical inventory of all government-owned firearms in USPP custody, in accordance with recommendation 3 from the IG report," he said.

"To conduct this physical inventory, we created a team of senior officials of the NPS and the Department's Office of Law Enforcement and Security to personally contact all officers within the USPP and to personally inspect every USPP firearm, whether issued to an officer or secured in a USPP facility," said Jarvis.

As a result, he said, "The team has ensured that each inspected firearm has been entered into and tracked in the Department's Financial and Business Management System."

**Are NPS police safe?** In a closely-related development an association of national park policemen July 31 proposed a plan to improve security for officers. The U.S. Park Rangers Lodge of the Fraternal Order of Police recommended that the Park Service take several steps in the wake of a recent report that said assaults and threats against park police increased substantially last year.

Among the five recommended steps are increased staffing, better training and distinctive markings for police cars.

"Assaults on park rangers used to be relatively rare," said Randall Kendrick, Ranger Lodge Officer. "Now, not only are these assaults becoming more common, but the intensity of incidents has increased."

Public Employees for Environmental Responsibility published a report June 17 that said incidents against national park police increased by 12 percent in 2013, including the shooting death of Mount Rainier National Park Ranger Margaret Anderson on Jan. 1, 2012.

## Yosemite plan deadline delay; McClintock takes to the floor

Given five more months to attack a proposed Park Service management plan for the Yosemite Valley, Rep. Tom McClintock (R-Calif.) August 1 jumped at the chance.

McClintock, who represents the Yosemite area in the House, renewed his complaint that a proposed Merced River Wild and Scenic River Plan would change the *raison d'être* for Yosemite by removing recreation amenities from Yosemite Valley proper. Those amenities include horseback riding, bicycle rental, swimming pools and an ice skating rink.

"For generations, these facilities have enhanced the enjoyment of the park for millions of visitors, adding a rich variety of recreational activities amidst the breathtaking backdrop of Yosemite," McClintock said on the House floor August 1 just before Congress left on a five-week vacation.

"But today the very nature and purpose of Yosemite is being changed from its original promise of public resort, use, and recreation to an exclusionary agenda that can best be described as 'look, but don't touch,'" he said.

The Park Service July 26 received a five-month reprieve from a previous court order to complete a new plan by July 31. The court extended the deadline through December 31. During the extension the park said it would continue to review public comments and hold an additional public hearing.

The Park Service has suggested that it will make some changes in the plan. NPS Director Jon Jarvis told the House subcommittee on Public Lands July 9 just that.

"As Yosemite National Park proceeds to complete the final (plan), all comments about recreational uses and other aspects of the plan will be thoroughly considered and evaluated," he said. "In some instances, these

commercial services may be reasonably relocated outside the river corridor but remain in Yosemite Valley, or in other locations inside or outside of the park, and available to park visitors. It is important to note that no reductions are proposed in any alternative for the private use of horses, bikes, and rafts."

Jarvis received some backing at the hearing from Rep. John Garamendi (D-Calif.), who served as deputy secretary of Interior in the Clinton administration. "If we're down to just horses, bikes, rafting and ice skating then, wow, a lot of progress has been made," he said. "I remember a time when you couldn't even decide if there would be buses in the valley."

But Republican critics led by McClintock are clearly out for game. McClintock argues that the elimination of recreation facilities is not necessary to comply with a federal court order that directed NPS to redo its Merced River plan. He said NPS had gone beyond the court's mandate simply to protect the river's shore.

Congressional Republicans have several interventionist options. They can peremptorily declare an existing plan satisfactory to head off the new plan. Or they can wait for the final plan and then try to block it, as Congress is now attempting to do with a Cape Hatteras National Seashore off-road vehicle plan.

In 1987 Congress designated 122 miles of the Merced River as a wild and scenic river, including the 81 miles that course through Yosemite National Park and the 41 miles that extend to Forest Service and Bureau of Land Management property to the West.

In 1997 the river and the park were swamped by a monster flood and the Park Service began writing management plans to restore the Merced and its environs. Thus far federal courts have rejected three NPS plans that cost \$23 million because they did not eliminate or, at least minimize, development along the river.

The most recent proposed Merced plan was published January 8. It would cost more than \$235 million to implement over 15 years.

The preferred alternative would among other things restore 203 acres along the river, increase campsite inventory by 28 percent, increase lodging by one percent, increase day parking spaces by five percent and revise parking circulation. The net result would be no change in a potential accommodation of 19,900 visitors per day in East Yosemite Valley.

But in its summary NPS mentions three little words that have caused a major ruckus: "reduce commercial services." That's what has aroused local commercial interests, McClintock and the American Recreation Coalition, which complained that its members were being cut out of recreation service opportunities.

The proposed Merced plan is available at <http://www.nps.gov/yose/parkmgmt/mrp.htm>.

## **Senate, House disagree on FLREA, other approps riders**

The draft fiscal year 2014 appropriations bill that the Senate subcommittee on Interior published August 1 (*see page one*) disagrees with a counterpart House Appropriations subcommittee bill on about every rider.

For instance the bill now before the House Appropriations Committee would extend an existing recreation fee law one year through Dec. 8, 2015. That presumably would give authorizing committees time to prepare legislation to extend or replace the old law.

But the draft bill prepared by Senate subcommittee chairman Jack Reed (D-R.I.) and ranking subcommittee Republican Lisa Murkowski (R-Alaska) does not mention the fee law.

In another instance the Senate would extend the life of twelve national heritage areas, while the House specifically would not.

The House subcommittee and the Senate draft bill agree on one rider - authority for NPS to acquire land for access to Ellis, Governors and Liberty Islands in New York Harbor.

While the House subcommittee was more active in the way of riders, it may not matter much because the Interior spending bills will likely be wrapped into bare-boned continuing resolutions, sans almost all riders. But here is a list of the provisions of the House subcommittee and Senate draft bills that dip into policy arenas.

\* STATUE OF LIBERTY ACCESS: House and Senate. Both the House subcommittee and the Senate draft bill would authorize NPS to acquire lands in New York and New Jersey to use for providing transportation to the Ellis, Governors and Liberty Islands in New York Harbor.

\* FEDERAL LANDS RECREATION ENHANCEMENTS ACT (FLREA): House only. The subcommittee would extend the existing recreation fee law one year through Dec. 8, 2015. That presumably would give authorizing committees time to replace or extend FLREA for years.

\* NPS HERITAGE AREAS: The Senate draft would extend for one year the authorization for 12 national heritage areas. The House subcommittee would not. A draft House committee report said the subcommittee "has not included requested language to extend the 12 expiring areas' authority by one more year." On the money side the Senate draft would appropriate \$21.2 million for national heritage areas and the House subcommittee \$8 million.

\* TRAVEL MANAGEMENT PLANS: House only. The House subcommittee would have national forests rewrite travel management plans "where communities are dissatisfied" with existing plans. The Senate draft does not address the issue.

\* EISENHOWER COMMISSION: House only. The House subcommittee bill would provide no money for the Dwight D. Eisenhower Memorial Commission. The Senate would appropriate \$2 million, compared to a fiscal 2013 appropriation of \$1 million.

\* OCEANS: House only. The subcommittee would block implementation of a National Oceans Policy proposed by the Obama administration. House Republicans argue the administration policy would lead to zoning of the ocean and a decrease in recreational fishing opportunities.

\* WETLANDS: House only. The Interior bill is but one of many pieces of legislation that House Republicans are trying to use to block implementation of a proposed administration wetlands policy. Republicans argue that the policy would require a permit for nonnavigable waters, in violation of Supreme Court decisions.

\* HUNTING: House only. The bill would declare public lands open to hunting unless specifically closed. This proposal enjoys some Democratic support and is being proposed by House and Senate Republicans and Democrats in several other authorization bills.

\* SNOWMOBILES: House only. The bill would authorize the Forest Service to write new oversnow vehicle regulations.

## **Both transportation money bills collapse; rec in middle**

The Senate and House last week failed to move Transportation appropriations bills, the Senate ostensibly because the measure before it contained too much money and the House because the measure before it contained too little money.

The failure of the Transportation bills sets a dreadful precedent for the several other domestic spending bills waiting for floor action, including an Interior and Related Agencies bill and an Agriculture bill. The House did approve an Energy and Water bill (HR 2609) July 24.

In the Senate most Republicans demanded that the Transportation money bill follow the dictates of a budget sequestration law and live within a spending cap nearer the House number

of \$44.1 billion than the Senate cap of \$54 billion. The Republicans kept a filibuster going by a vote of 54-to-43. Sixty votes were needed to stop it.

The House has the opposite problem. Enough Republicans rebelled at the alleged penuriousness of the \$44.1 billion spending cap that Republican leaders felt they did not have the votes to pass the measure (HR 2610).

**Transportation rec targeted:**

Outdoor programs are caught in the middle of the scrum. Sen. Rand Paul (R-Ky.) has prepared an amendment (SA 1798) that would eliminate a lead recreation initiative called Transportation Alternatives in fiscal year 2014.

The governing surface transportation law (Moving Ahead for Progress in the 21<sup>st</sup> Century, PL 112-141 of July 6, 2012) authorized \$760 million for the program, which finances Transportation Enhancements, Recreational Trails and Safe Routes to Schools. Paul would use the money for roads and bridges.

The Rails-to-Trails Conservancy fears similar amendments are brewing in the House. "A series of amendments to the House bill (are) expected to also slash future investment in biking and walking," the conservancy warned its members July 30.

The House Appropriations Committee approved its Transportation bill (HR 2610) June 27 with \$44.1 billion in discretionary spending, or \$7.7 billion below the fiscal 2013 level. That is \$4.4 billion below the fiscal 2013 level counting sequestration.

But House Republicans apparently did not have the House floor votes to pass HR 2610 July 31. That prompted House Appropriations Committee Chairman Hal Rogers (R-Ky.) to apparently give up on austere House spending bills.

Rogers also all but quit on the sequestrations that are driving austerity. "With this action, the House has declined to proceed on the implementation of the very budget it adopted just three months ago," he

said. "Thus, I believe that the House has made its choice: sequestration - and its unrealistic and ill-conceived discretionary cuts - must be brought to an end." But he did also say the Senate wants to spend too much money.

The Senate Appropriations Committee approved its bill (S 1243) June 27 with \$54 billion. But Senate Minority Leader Mitch McConnell (R-Ky.) said on the Senate floor August 1 that the bill would violate the budget sequestration law called the Budget Control Act of 2011 (PL 112-25 of Aug. 2, 2011).

"I believe that if we invoke cloture on this bill and move forward, it will be widely viewed throughout the country that we are walking away from the commitment we made, on a bipartisan basis, that the President signed just two years ago, that we would reduce spending by this amount of money, \$2.1 trillion over the next 10 years," he said.

But Democratic appropriators countered that the appropriations bill is not the final word on spending, that Congress and the administration should come together this fall and repeal the sequestration law. In the meantime Congress should prepare more generous appropriations bills.

**Gettysburg expansion among many lands bills in works**

As is their wont, House and Senate members of Congress August 1 and 2 introduced numerous outdoor bills before beginning a five-week summer vacation.

The new bills - including important measures affecting Hawaii, Lake Tahoe and Discovery Trails - join a growing pile of existing lands bills that may make their way through Congress this year.

If he gets his way, Senate Energy Committee Chairman Ron Wyden (D-Ore.) has said frequently he will package the proposals in one or more omnibus measures and overcome holds/filibusters on the Senate floor.

**Senate hearing:** To that end the Senate subcommittee on National Parks head a hearing July 31 on 24 disparate bills and heard the Obama administration in general endorse the measures. Among the measures considered:

*Gettysburg expansion:* This bill (S 782) would add two important tracts to Gettysburg National Military Park. The bill, which has been around for several Congresses, would add the Gettysburg Railroad Station and a 45-acre tract at the south end of the battlefield that hosted cavalry battles. The railroad station served as both a transportation depot and a hospital during the battle.

The National Trust for Historic Gettysburg currently operates the station and until recently had used it as an information center. Supporters anticipate the Park Service will again use the station as a visitor center. The 45-acre tract along Plumb Run was the site of a cavalry encounter during the battle of Big Round Top. The land has been donated and would not require land acquisition.

A counterpart House bill (HR 1513) was approved by the House Natural Resources Committee July 24.

*National Heritage Area extensions:* Two bills would extend the lives of the Essex National Heritage Area in Massachusetts by 15 years (S 1186) and reauthorize the Rivers of Steel National Heritage Area, the Lackawanna Valley National Heritage Area, the Delaware and Lehigh National Heritage Corridor, and the Schuylkill River Valley National Heritage Area for 12 years each (S 1157).

*Battlefield extension:* This legislation (HR 1033 and S 916) would authorize the acquisition of Revolutionary War and the War of 1812 Battlefields under the American Battlefield Protection Program. The House approved HR 1033 April 9.

**New bills:** Just before heading out for a summer vacation House and Senate members introduced these significant bills August 1 and 2.

*Hawaii Islands National Park:* Sen. Mazie Hirono (D-Hawaii) introduced this bill (S 1432) August 1 to study the possibility of designating as a unit of the National Park System coastal lands on the Ka'u Coast of the Island of Hawaii. This southernmost coast of Hawaii is mostly uninhabited and is surrounded by Hawaii Volcanoes National Park. Most of the area is privately-owned.

*Lake Tahoe restoration:* Sen. Dianne Feinstein (D-Calif.) and the senators from Nevada and California introduced this bill (S 1451) to authorize a \$415 million, ten-year restoration of the Lake Tahoe Basin. Cosponsors include Senate Majority Leader Harry Reid (D-Nev.), Sen. Dean Heller (R-Nev.) and Sen. Barbara Boxer (D-Calif.) Matching the federal contribution would be \$636,200,000 from the State of California; \$101,400,000 from the State of Nevada; \$68,200,000 from units of local government; and \$299,600,000 from private interests.

*American Discovery Trail:* Reps. Jeff Fortenberry (R-Neb.) and Jared Polis (D-Colo.) introduced this bill (HR 3022) August 2 that would both establish a national discovery trails system and designate an American Discovery Trail. Predecessor bills have been around for at least a decade. Even though Congress has not formally designated it, the American Discovery Trail, as is, stretches across 6,800 miles from the East Coast to the West Coast.

**Hunt/fish bill endorsement:** Sportsmen joined together July 31 to ask the Senate to hold a hearing on legislation (S 170) that would declare Forest Service and Bureau of Land Management lands open to hunting, fishing and recreational shooting unless specifically closed. This is one of a number of bills expected to be introduced in this Congress promoting access to public lands for hunting and fishing.

Twenty-six sportsmen's groups including the American Sportfishing Association, Ducks Unlimited and the Wildlife Management Institute asked Sens. Lisa Murkowski (R-Alaska) and Joe

Manchin (D-W.Va.), sponsors of the bill, to secure a hearing on S 170 by the Senate Energy Committee.

"Congress will permanently invest in rural economic growth, because of the benefits these communities enjoy from traveling sportsmen and women who purchase equipment, hotel rooms, food, and other essential items while recreating on America's public lands," they wrote to describe the economic benefits of the bill.

### **Political charges alive in Point Reyes oyster farm war**

The politicization of the dispute over an oyster farm in Point Reyes National Seashore continues to grow, with critics of the farm charging political conservatives have entered the fray. And defenders of the family that runs the oyster farm are responding with charges of character assassination.

The parallels here are not exact because such liberals as Sen. Dianne Feinstein (D-Calif.) and chef Alice Waters are on the same side of the issue with conservative House Natural Resources Committee Chairman Doc Hastings (R-Wash.) They all favor renewal of a contract for the oysterman.

The fight began in earnest on Nov. 29, 2012, when former Secretary of Interior Ken Salazar terminated the existing oyster permit and effectively designated the 1,000 acres used by the contractor as wilderness.

But on February 25 the Ninth U.S. Circuit Court of Appeals issued an injunction against the Salazar decision, permitting the Drakes Bay Oyster Company to continue farming for the time being. The Ninth Circuit is currently reviewing the parties' arguments.

The political charges went public in a June 4 statement by the Environmental Action Committee of West Marin alleging the oyster company "is undeniably part of a larger right-wing campaign to open our most protected and treasured public lands to commercial exploitation." The statement was

attributed to May Trainer, director of the committee.

The committee said the conservative campaign includes the wealthy Koch Brothers, Sen. Dave Vitter (R-La.), Hastings and the legal group Cause of Action. Indeed Cause of Action is listed in court documents as an attorney for the Lunny family that holds the oyster-farming contract.

But David Weisman, a spokesman for the Lunnys, countered last week, "Suggestions that the Lunnys are part of a vast network of Koch-funded corporate evil-doers have been circulated. Really? Kevin and Nancy Lunny? Corporate evil-doers? Sheesh. Character assassination is never a good idea in a small town."

Politicians are very much involved. Hastings this spring asked the Interior Department to release documents leading up to the Nov. 29, 2012, decision. And Feinstein has long campaigned for the Lunnys.

But Feinstein's usual Senate partner, Sen. Barbara Boxer (D-Calif.), supported the Interior Department decision, as did Rep. Lynn Woolsey (D-Calif.)

Summing up, on the oyster farm's side are Feinstein, Hastings, Waters, Cause of Action and, maybe, some larger conservative groups.

On the other side are the Interior Department, the Park Service, the National Parks Conservation Association, the Coalition of National Park Service Retirees, Boxer, Woolsey and numerous local conservation groups.

The Ninth Circuit in its injunction hinted strongly that the Drakes Bay Oyster Company has a good case in its objection to the Interior Department decision to close down its operation. "Appellants' emergency motion for an injunction pending appeal is granted, because there are serious legal questions and the balance of hardships tips sharply in appellants' favor," the court said in its brief two-page injunction.

The last permit held by the Drakes Bay Oyster Company officially expired Nov. 30, 2012. At that time Salazar directed NPS to work with the company to remove all property from the park within 90 days. That deadline arrived February 28, but the court order allows the company to keep working.

Salazar said his decision would effectively designate the 1,000 acres used by the oyster farm as wilderness. Said a department release, "In 1976, Congress identified Drakes Estero as potential wilderness - the only marine wilderness area on the west coast of the continental United States outside Alaska - and directed that it automatically become wilderness when the commercial operation ended."

## Notes

**Jewell backs Teton buy.** Secretary of Interior Sally Jewell reaffirmed August 7 the Department of the Interior's commitment to acquire 1,280 acres of state-owned land within the borders of Grand Teton National Park. She told the Park Service and the Bureau of Land Management to devise strategies for paying the \$91 million needed to finish the acquisition. Congress has already appropriated \$16 million of the \$107 million needed. "I have directed my team to pursue all available options and have asked the leadership of the Bureau of Land Management and the National Park Service to give me a set of recommendations and a plan of action of how we can ensure the long-term protection of Grand Teton," said Jewell. "Given the fiscal climate and constrained federal resources, creativity and flexibility will be required, but I am absolutely committed to see this cross the finish line." The usual source of money for such acquisitions is the Land and Water Conservation Fund (LWCF). But the House subcommittee on Interior July 23 voted to zero out LWCF in a fiscal year 2014 appropriations bill. Other possible sources of the money include an exchange to the state of public lands energy resources, such as oil, gas or coal reserves. Wyoming Gov. Matt Mead (R) said last year that the federal budget squeeze may induce the administration to skip the

\$16 million, phase-two allocation in fiscal year 2013. But the appropriation proceeded. Former Wyoming Gov. Dave Freudenthal (D) reached an agreement with the Obama administration in late 2010 that would send 1,366 acres of state school lands and 40 acres of state subsurface minerals within Grand Teton to the Park Service. Mead eventually signed the agreement for the state after he replaced Freudenthal. If the feds renege, the State of Wyoming may choose to sell the tracts on the open market, making them available for trophy homes or resorts. Or the Wyoming Board of Land Commissioners and the State Land Board may simply manage the lands. Freudenthal had been talking about a deal that would combine a down payment to the state from the LWCF, followed by a share of revenues from coal-lease bonuses. That way the feds would retain the coal leases and the state would simply receive an agreed to share of the lease bonuses.

### Calif. Parks do-over possible.

A privately-financed citizens commission intends over the next 18 months to develop recommendations for revitalization of the California State Parks. Formed at the direction of the California legislature, the commission will consider steps to restore the system's finances. Last year the legislature trimmed \$22 million from the agency's \$779 million budget, threatening the closure of 70 of the system's 280 parks. The parks were kept open through a reshuffling of state money by subsequent acts of the legislature and contributions from park advocates. At about the same time a revelation surfaced that park leaders had not kept the legislature informed of two special funds containing \$54 million. Christine Kehoe, a former state senator, and Lance Conn, a San Francisco Bay Area businessman will cochair the Parks Forward Commission. Among the members is John Reynolds, former Pacific West Regional Director of the Park Service. On Sept. 25, 2012, California Gov. Jerry Brown (D) signed two bills that ensured that all state parks would remain open through fiscal years 2012-2013 and 2013-2014. The bills (1) make up the \$22 million budget shortfall and (2) shake free the \$54 million stash. The lead

bill (AB 1478) from Assemblyman Robert Blumenfield (D) allocates \$20 million from the secret stash for operation of the state parks. It also appropriates \$10 million from a 2006 conservation bond program for the parks. Another \$10 million is expected to come from private and local matches.

#### **Rec participation up a bit.**

The Outdoor Foundation said August 7 that recreation participation in the country increased marginally in 2012 compared to 2011. The number of participants increased by 800,000, but when you are talking about 142 million visitors six and older the increase is fractional. Still, the 142 million total is the highest in the six years that the foundation has been preparing the report. Some nuggets: 13 million people started participating in outdoor recreation in 2012, but 12 million stopped. Adventure racing has grown by 211 percent over the past five years. The total number of excursions was up significantly from 11.5 billion in 2011 to 12.4 billion in 2012. To download a complete copy of the 2013 *Outdoor Recreation Participation Report*, visit The Outdoor Foundation website at <http://www.outdoorfoundation.org/research>.

#### **GOP keeps up Blueways attacks.**

Leaders of the House Natural Resources Committee fired off another letter to Secretary of Interior Sally Jewell last week demanding more information about a National Blueways System. Committee chairman Doc Hastings (R-Wash.) and subcommittee on Water Chairman Tom McClintock (R-Calif.) said they were not satisfied with the answers department official Rebecca Wodder gave their staffs last month. They said they asked Wodder about the public's role in the program. Wodder, the supposed architect of the program, briefed committee staff informally July 22. But in their letter to Jewell Hastings and McClintock said Wodder "was unable to provide the Committee staff with any examples detailing where the work on the Blueways System had been transparent or open to the American people for comment; and she was unwilling to discuss her prior work at American Rivers and how that coincided with

the development and initiation of the National Blueways System." Under the program Interior Department officials are authorized to choose important national waterways to be designated by the secretary as part of the blueways system. The nominating process does not include the general public and Congress. So in a July 29 letter to Jewell, Hastings and McClintock asked for (1) all information about Wodder's travels in regard to the system, (2) an invitation list to a February 2013 meeting between department officials and conservationists and (3) details of the February 2013 meeting. On July 17 Jewell called a halt - at least temporarily - to the initiative. On July 3 Jewell had pulled a designation of a White River Blueway in Arkansas and Missouri from the system. For the last month House and Senate Republicans have assailed the program for designating blueways system units without consulting local citizens, local governments or Congress. Only one blueway remains - a Connecticut River and Watershed National Blueway in New England designated when former Secretary of Interior Ken Salazar launched the system May 24, 2012, with Secretarial Order 3321. The Hastings/McClintock letter is available at: [http://naturalresources.house.gov/uploadedfiles/7\\_29\\_13\\_blueways\\_letter.pdf](http://naturalresources.house.gov/uploadedfiles/7_29_13_blueways_letter.pdf).

#### **Connor nominated as DoI deputy.**

The Obama administration July 30 nominated Bureau of Reclamation Commissioner Michael L. Connor to the number two post at the Interior Department - deputy secretary. Connor has headed the bureau since 2009. Before that he served as counsel to the Senate Energy Committee. Ranking energy committee Republican Lisa Murkowski (R-Alaska) didn't say she would vote for his confirmation, but she did praise him. "Prior to this position, he served for 8 years as counsel to our committee, where I first became acquainted with him," she said in a statement. "I believe his integrity, work ethic and his ability to solve tough resource related issues will make him an asset to the Interior Secretary." As deputy secretary of Interior Connor would function as the chief operating officer in the department

**DoI: We pay our own way.** The Department of Interior contributes almost 20 times as much money to the American economy as the department takes out in annual appropriations. According to a July 29 report of the Department's Office of Policy Analysis, Interior contributed \$371 billion to the economy in 2012. The fiscal year 2014 budget request for the department is \$18.3 billion. More than half of the \$371 billion - or \$230 billion - came from fossil fuel development. Other contributors were water, \$47.4 billion; recreation, \$45 billion; hard rock minerals, \$21 billion; renewable energy, \$4.4 billion; and last a combination of grazing and timber, which produced only \$1.5 billion. Secretary of Interior Sally Jewell said it is unclear how much conservation contributes to the economy, so the report didn't include such data. She said, "It's difficult to quantify the value of protecting our nation's hunting or ranching heritage, the benefits of healthy watersheds and air quality, or the power of ensuring our treasured landscapes and historic places will be accessible to the next generation. These actions have very real contributions to communities, citizens and property values and make us rich in ways that can't be counted." The report, The U.S. Department of the Interior Economic Report for Fiscal Year 2012, is available at [http://www.doi.gov/ppa/economic\\_analysis/economic-report.cfm](http://www.doi.gov/ppa/economic_analysis/economic-report.cfm).

**Hearing held on FS overseer.**

The Senate Agriculture Committee held a friendly hearing July 23 on the nomination of Robert Bonnie as Under Secretary of Agriculture for Natural Resources overseeing the Forest Service. Committee members from both parties treated Bonnie, currently a policy advisor to the secretary of Agriculture, gently. The Senate Energy Committee is also expected to hold a hearing on the nomination of Bonnie, who worked for the Environmental Defense Fund from 1995-to-2008.

**Liberal duck hunts proposed anew.**

Despite a six percent drop-off in duck populations in traditional survey areas this spring, the Fish and Wildlife Service (FWS) August 2 proposed liberal

hunting frameworks for the upcoming season. FWS said the count of ducks in north-central United States, south-central and northern Canada, and Alaska was 45.6 million, compared to 48.6 million last year. But FWS said the 2013 count is still 33 percent above the 57-year average. The frameworks will lead to regulations that will establish season lengths and bag limits. FWS said the frameworks range from 60-day seasons for the Atlantic and Mississippi Flyways to 74 days in the Central Flyway to 107 days in the Pacific Flyway. FWS said it will publish the proposed frameworks in the *Federal Register* in mid-month.

**FS planning committee to meet.**

The 21-member advisory committee that is to help the Forest Service implement a contentious planning rule will meet for a fifth time August 27-29 in West Valley City, Utah. The Forest Service said the members will "continue formulation of advice for the Secretary on the Proposed Land Management Planning Directives." The National Advisory Committee for Implementation of the National Forest System Land Management Planning Rule includes representatives of a number of uses, ranging from recreationists to the timber industry to environmentalists to local government officials to American Indians. The Forest Service published the final planning rule Jan. 26, 2012, to the applause of environmental groups and the condemnation of commercial users of the public lands. An alliance of timber, livestock and powered recreation industries filed a lawsuit against the plan Aug. 13, 2012. The advisory committee has a website at: <http://www.fs.usda.gov/detail/planningrule/home/?cid=stelprdb5346267>.

**BLM readies Burning Man closures.**

The Bureau of Land Management (BLM) Winnemucca District Office said July 25 it will close more than 14,000 acres of public land in Nevada for the Burning Man event. BLM said the closure of the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area will last from August 12 through September 16. Although the event is scheduled only for August 26 through September 2, BLM needs the extra time to prepare for and recover from the event. Only people holding Burning Man event

tickets will be admitted during the closures. The Burning Man organization says its annual gathering of up to 50,000 people in the desert is an art event. Nudity is featured. BLM says it will enforce the laws, such as for drunk driving, during the event. BLM has a website at <http://www.blm.gov/nv/st/en/fo/wfo.html> and Burning Man has a website at [www.burningman.com](http://www.burningman.com).

#### Senate addressing DoD withdrawals.

The Senate subcommittee on Public Lands July 30 heard the Obama administration generally endorse legislation that would withdraw tracts of public lands for five military installations. The Senate bills differ in big and small ways from withdrawal bills the House approved June 14 for five military installations. In the largest withdrawal - and the largest discrepancy between the House and the Senate - a Senate bill (S 1309) would withdraw more than one million acres for a China Lake Naval Station in California through March 31, 2039. The counterpart House-passed bill (HR 1673) would transfer the land to the U.S. Navy in perpetuity. At the July 30 hearing the committee also took testimony on less controversial legislation to withdraw land for the White Sands Missile Range, N.M.; the Limestone Hills Training Area, Mont.; Chocolate Mountain Aerial Gunnery Range, Calif.; and Twentynine Palms Marine Corps Base, Calif.

## Conference calendar

### SEPTEMBER

3-6. **National Association of State Park Directors** annual meeting in Dubuque, Iowa. Contact: Philip K. McKnelly, NASPD Executive Director, 8829 Woodyhill Road Raleigh, NC 27613. (919) 676-8365. <http://www.naspd.org>.

8-12. **American Fisheries Society** annual meeting in Little Rock, Ark. Contact: American Fisheries Society, 5410 Grosvenor Lane, Suite 110, Bethesda, MD 20814-2199. (301) 897-8616. <http://www.fisheries.org>.

17-19. **Land Trust Alliance Rally** in New Orleans. Contact: Land Trust Alliance, 1331 H St., N.W., Suite 400, Washington, DC 20005-4711. (202) 638-4725. <http://www.lta.org>.

19-22. **Council of State Governments National Conference** in Kansas City, Mo. Contact: Council of State Governments, P.O. Box 11910, Lexington, KY 40578. (859) 244-8103. <http://www.csg.org/>

NEXT BIENNIAL CONFERENCE IN 2014. **The National Center for Bicycling and Walking**, 1612 K Street, N.W., Suite 802, Washington, DC 20006. (202) 223.3621. <http://www.bikewalk.org>.

30-Oct. 2. **Outdoor Industry Association Rendezvous** in San Diego. Contact: Outdoor Industry Association, 4909 Pearl East Circle, Suite 200, Boulder, CO 80301. (303) 444-3353. <http://www.outdoorindustry.org>.

### OCTOBER

3-5. **National Association of State Outdoor Recreation Liaison Officers** annual meeting in Austin, TX. Contact: [http://www.nasorlo.org/.](http://www.nasorlo.org/)

Postponed until 2014. **Watchable Wildlife** annual conference Contact: Watchable Wildlife, Inc., PO Box 319, Marine on St. Croix, MN 55047. 651-433-4100. <http://www.watchablewildlife.org>.

5-9. **The Wildlife Society** annual meeting in Portland, Ore. Contact: The Wildlife Society, 5410 Grosvenor Lane, Bethesda, MD 20814-2197. (301) 897-9770. <http://www.wildlife.org>.

8-10. **National Recreation and Park Association** Congress and Exposition in Houston, Texas. Contact: National Recreation and Park Association, 22377 Belmont Ridge Road, Ashburn, VA 20148. (703) 858-2158. <http://www.nrpa.org>.

16-18. **Sportfishing Summit** in Fort Myers, Fla. Contact: American Sportfishing Association, 225 Reinekers Lane, Suite 420, Alexandria, VA 22314. (703) 519-9691. <http://www.asafishing.org>.

30-Nov. 2. The **National Trust for Historic Preservation** annual conference in Indianapolis, Ind. Contact: National Trust for Historic Preservation, 1785 Massachusetts Ave., N.W., Washington, DC 20036. (202) 588-6100. <http://www.nationaltrust.org>.