

# Federal Parks & Recreation

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## **Senate panel leaders face big questions in money bill**

If and when a Senate subcommittee releases a draft fiscal year 2015 appropriations bill - it's due any second - the big questions will deal with how panel leaders propose to deal with fire costs.

If they follow the lead of Senate Appropriations Committee Chair Barbara Mikulski (D-Md.), they will not deduct hundreds of millions of dollars to repay fiscal 2014 emergency fire costs.

If they follow the lead of the House Appropriations Committee's version of a fiscal 2015 appropriations bill, they will include at least \$470 million in payback fire money, thus reducing funds available for line agencies and conservation.

In addition the subcommittee leaders must decide if they will pay \$442 million for the payments-in-lieu of taxes (PILT) program from the Interior and Related Agencies bill, or rely on the Senate to pay for that in some other legislative vehicle.

Finally, the Senate subcommittee draft is expected to be the target for a cluster of amendments/riders aimed at stopping proposed EPA regulations, such as for power plants and wetlands. The counterpart bill approved by the House Appropriations Committee July 15 includes riders that would block those rules.

A Senate Appropriations Committee spokesman has repeatedly confirmed for *FPR* that subcommittee leaders may drop a bill this week. However, the deadline has kept moving back. Now Congress is poised to leave on a month-long August vacation today.

The fire and PILT decisions are crucial because those programs could eat up some \$1 billion out of a bill that is expected to have a final spending ceiling of just over \$30 billion. Without that extra \$1 billion line programs and conservation programs such as the Land and Water Conservation Fund (LWCF) could suffer.

On the fire front committee chair Mikulski has chosen to include the fiscal 2014 payback of \$615 million in an emergency appropriations bill (S 2648) that is directed at the immigration problem. (The \$615 million is the latest estimate from the Forest Service and the Interior Department; the House committee has used an earlier estimate of \$470 million.)

In addition the bill includes substantive legislation that would transfer emergency fire-fighting costs above a 10-year average out of appropriations bills and into disaster funding, beginning in fiscal year 2017. (*See related fire article page 10.*)

The House committee-passed bill now goes to the House floor, despite the controversies. Last year a similarly controversial Interior bill never saw committee or floor action in the House and was swept into an all-agency continuing resolution (PL 113-76 of January 17).

Here is a summary of the House committee-passed Interior bill of July 15:

**Centennial:** In its March 4 fiscal 2015 budget request the Obama administration asked Congress for between \$647 million and \$847 million in new money for the Park Service Centennial, depending on who is estimating. Of that \$40 million would be appropriated and the rest put up by authorizing committees.

The \$40 million in appropriations in the House committee bill would be followed by authorizing legislation that would provide up to \$400 million per year from a new Congressional Centennial initiative. Finally, in the third prong NPS could compete for some

of \$200 million per year in government-wide Opportunity, Growth and Security Initiative money.

Of the appropriated \$40 million, \$30 million would be used to support operations, said a subcommittee report. "The Committee recognizes the importance of this historic national celebration and is committed to its success," the report says. "Accordingly, the Committee is providing \$30 million, as requested, within the National Park Service Operations account to support the Centennial Initiative and related efforts to address the Service's deferred maintenance backlog."

Of the \$10 million to be set aside for the Challenge program, the subcommittee warned the Park Service not to try to use it for regular operations. "The Committee reminds the Service that the amount provided for the Centennial Challenge is intended to supplement funding for core operations. The Committee expects the Service to fully fund day-to-day operational costs of the parks through its core operations accounts," said the panel's report.

**Some numbers:** Here are some of the details of the allocations in the fiscal 2015 committee bill:

**LWCF FEDERAL:** In total the committee approved \$49 for federal land acquisition, or \$138 million less than a fiscal 2014 appropriation of \$187 million. By agency the Bureau of Land Management (BLM) would receive \$4.8 million compared to \$19.5 million in fiscal 2014, the Fish and Wildlife Service (FWS) would receive \$14.5 million compared to \$54.4 million, the Park Service would receive \$21.5 million compared to \$50 million and the Forest Service would receive \$8 million compared to \$43.5 million.

**LWCF STATE:** The committee would appropriate \$46 million, or \$2 million less than the \$48 million in fiscal 2014.

**PARK SERVICE OPERATIONS:** The committee approved \$2.269 billion, or \$32 million more than a fiscal 2014 appropriation.

PARK SERVICE RECREATION AND PRESERVATION: The committee approved \$52 million, about the same as the fiscal 2014 appropriation.

PARK SERVICE CONSTRUCTION: The committee approved \$138 million, about the same as the fiscal 2014 appropriation.

PARK SERVICE HISTORIC PRESERVATION: The committee approved \$56 million, the same as the fiscal 2014 appropriation.

STATE WILDLIFE CONSERVATION GRANTS: The committee approved \$58.7 million, the same as the fiscal 2014 appropriation.

NATIONAL HERITAGE AREAS: The committee approved \$9.2 million, or \$9.2 million less than the fiscal 2014 appropriation of \$18.4 million.

NATIONAL FOREST SYSTEM: The committee approved \$1.497 billion, the same as the fiscal 2014 appropriation.

NATIONAL FOREST RECREATION: The committee approved \$263.9 million, or \$2.2 million more than in fiscal 2014.

NATIONAL FOREST TRAILS MAINTENANCE AND CONSTRUCTION: The committee approved \$86.8 million, or \$11.8 more than in fiscal 2014.

BLM RESOURCE MANAGEMENT: The committee approved \$957 million, the same as the fiscal 2014 appropriation.

BLM RECREATION MANAGEMENT: The committee approved \$63.9 million, or \$3 million less than in fiscal 2014.

BLM LANDSCAPE SYSTEM MANAGEMENT: The committee approved \$30.8 million, or \$1 million less than in fiscal 2014.

WILDLIFE REFUGE MANAGEMENT: The committee approved \$477 million, the same as the fiscal 2014 appropriation.

FIRES: The committee came up with an extra \$758 million in fire-fighting money, compared to this year (fiscal 2014), counting a \$470 million payback for fiscal 2014. For the Forest Service

it approved \$2.888 billion for regular fire fighting and fire prevention expenses, compared to a \$2.162 billion fiscal 2014 appropriation.

For the Interior Department the committee approved \$805 million in regular firefighting and fire prevention expenses, compared to a \$741 million appropriation in fiscal 2014.

For emergency fire-fighting costs in a program called FLAME for the Forest Service and Interior Department combined the panel approved about the same amount of money as is in the fiscal 2014 bill, \$395 million in fiscal 2015 and \$407 million in fiscal 2014.

**Riders:** Here are four riders included in the House committee bill:

RIDER CLIMATE CHANGE (Section 435): The committee would forbid EPA from completing a proposed June 2 rule that would reduce carbon emissions from existing power plants, a plan that environmentalists say would be a boon to the national parks. But the mining industry says the plan would place an unacceptable economic burden on society.

This provision is going a long way toward stalling appropriations bills in the Senate. Senate Minority Leader Mitch McConnell (R-Ky.) and his Senate allies promise to offer the rider at every opportunity, confident they can swing enough Democratic votes to block the rule.

RIDER WETLANDS (SECTION 429): The committee would forbid EPA from completing a proposed May 29 rule that would expand the definition of a wetland

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## Notice: Publishing Schedule Change

*Dear Subscriber:*

*We are taking a brief break in our publishing schedule during the annual Congressional August recess. The next issue of Federal Parks & Recreation will be published on August 29. All offices will be open throughout August. We will resume a regular biweekly publishing schedule in late August.*

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subject to a Section 404 permit under the Clean Water Act. EPA and the Corps of Engineers in their proposal said that the rule would go beyond the existing regulation that only requires a permit for navigable waters. The new proposal would also require permits for seasonal streams, wetlands near navigable waters and other waters.

**RIDER WATER RIGHTS (SECTION 438):**  
The committee would forbid any agency from attempting to transfer water rights to the federal government on renewal of a permit. This is aimed at a Forest Service policy, since retracted, that would have allowed the agency to assert a water claim when a ski resort renewed a permit. The service June 20 did pull its old policy and propose a new one to allow ski resorts to keep their water.

**RIDER OCEAN POLICY (SECTION 432):**  
The committee would block implementation of a National Ocean 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.

## **House panel passes long-term federal entrance fee bill**

The House Natural Resources Committee July 30 approved legislation (HR 5204) that would revise a federal lands recreation fee program and extend it through December 2020. The committee passed the bill by unanimous consent.

The present law, the Federal Lands Recreation Enhancements Act of 2004 (FLREA), is scheduled to expire on Dec. 8, 2015. Committee passage could possibly set up final passage of HR 5204 as an addition to a fiscal year 2015 Interior and Related Agencies appropriations bill.

The House Appropriations Committee approved a fiscal year 2015 money bill July 15 and included an extension of FLREA through Dec. 8, 2016. The extension would give Congress time to write the multi-year update to FLREA and time for federal land management agencies and concessioners to prepare for a new law.

However, that may not be necessary if the appropriators insert HR 5204 into their appropriations bill.

HR 5204 meets many of the recommendations of the Obama administration and the recreation establishment. But it also offends public lands users, particularly backcountry visitors.

In defense of HR 5204 lead sponsor Rep. Rob Bishop (R-Utah) said, "This legislation was carefully crafted to ensure that the recreation fees paid by the public are used to improve and maintain campgrounds, trails, and other visitor facilities on our public lands. This bill reflects suggestions from those who recreate on our public lands as well as those who help make these lands accessible, including the guides and outfitters." Bishop chairs the House subcommittee on Public Lands.

Backcountry visitors as represented by the Western Slope No-Fee Coalition criticized the bill from stem-to-stern. "The prohibitions currently in place against fees solely for parking, for general access, for camping outside of developed campgrounds, for scenic overlooks, all of that would be repealed," said coalition President Kitty Benzar. "We would be back to the anything-goes days of unlimited fee authority that we had under Fee Demo, and against which the American public spoke up loud and clear, which is why the Congress in 2004 put those prohibitions in there."

She added, "I guess the Congress of 2014 has decided that public lands are nothing more than revenue generators for the agencies, not places where all Americans have access and feel welcome. It's the end of our federal public lands system (Forest Service and Bureau of Land Management) as we have known it."

The format of the 40-page bill is logical although the details can be tricky. It lays out day use fees for BLM and the Forest Service; entrance fees for national parks, national wildlife refuges and Bureau of Reclamation areas; recreation fees for all agencies; special use fees such as

off-highway vehicles and snowmobiles; passes; and distribution of revenues (most money returned to agencies).

The measure had originally been scheduled for committee mark-up for July 16 but Bishop and ranking House subcommittee on Public Lands Democrat Raúl Grijalva (D-Ariz.) held off for two weeks in order to gain maximum bipartisan support.

Bishop and Grijalva attempted to strike a deal on several unresolved issues, some of which may not yet be settled. Particularly nettlesome are discounts for senior citizens age 62 or older. For \$10 now seniors can buy a lifetime America The Beautiful Pass into all national parks and other land management agency sites. The standard America the Beautiful fee is \$80 per year.

Some outdoor policy players have suggested a \$40 lifetime pass for seniors, others have suggested an increase in the age to begin the pass, and others have suggested just giving seniors a simple percentage discount each year.

HR 5204 punts on the issue, calling instead for a study by the Departments of Interior and Agriculture.

In another contentious area HR 5204 may have resolved a concern expressed by outfitters that the original draft bill could be interpreted as requiring outfitters operating with special recreation permits to pay broad federal maintenance costs. The debated provision would do that by levying a cost recovery charge against each permit. HR 5204 deleted most of the controversial cost recovery provisions.

In a third contentious area all interests - backcountry users, outfitters, concessioners, etc. - had complained that recreation advisory commissions had not worked, because they were cumbersome and bureaucratic. HR 5204 eliminates them.

As for the Corps of Engineers the draft bill included the Corps in the

program but HR 5204 does not mention it.

The counterpart Senate subcommittee on National Parks and subcommittee on Public Lands have been less active than the House panel. The former chairman of the Senate Energy Committee, Sen. Ron Wyden (D-Ore.), had been committed to acting this year but he has ceded the chairmanship to Sen. Mary Landrieu (D-La.), who has expressed little interest in the subject.

Said Rep. Bishop of his Senate colleagues, "It is my hope that the Senate will join in the efforts to update and pass these policies."

Thus far, the major players in the game, except for forest recreation users, have generally supported Bishop's initiative. The players include the Obama administration, industry, outfitters and environmentalists. The basics include entrance fees, return of fee revenues to agencies and inclusion of the Corps of Engineers.

The Interior Department and the Forest Service generally backed the principles in Bishop's draft. But Pamela Haze, deputy assistant secretary for budget for the Interior Department, told Bishop's subcommittee the reauthorization should be permanent, not the five years in the bill.

**Background:** FLREA, as enacted on Dec. 8, 2004, as PL 108-447, Section 804, was only good for 10 years. An interim appropriations law (PL 113-46 of Oct. 16, 2013) extended it through Dec. 8, 2015. 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.

## LWCF backers, bipartisan solons make case for new LWCF

Legislators from both political parties joined with conservationists July 23 to reinvigorate a campaign to reauthorize the Land and Water Conservation Fund (LWCF) before it expires at the end of fiscal year 2015.

Importantly, the legislators included Senate Energy Committee Chair Mary Landrieu (D-La.) Her committee may be called on to fashion a new law. Landrieu has made energy development paramount in the energy committee, and, coincidentally, offshore oil and gas revenues have paid the LWCF bill for the last 50 years. And it may in the future.

"I have been committed to full and permanent funding for the Land and Water Conservation Fund since I came to the Senate, and I think this celebration of 50 years of conservation success warrants a permanent funding solution into the next 50," said Landrieu at an LWCF promotional event on Capitol Hill.

Although a significant number of senators from both sides of the aisle not only support LWCF but also have endorsed its renewal, the political outlook for a new, stronger law is a bit cloudy.

By itself LWCF stands little chance in the House, where western Republican critics of the program hold sway in the House Natural Resources Committee.

Perhaps LWCF's best opportunity lies in a possible package of legislation, and then after the November 4 elections. Senate Finance Committee Chairman Ron Wyden (D-Ore.) is reportedly considering such a package that would reauthorize LWCF in combination with reauthorizing county assistance programs such as Secure Rural Schools and payments-in-lieu of taxes.

Former Sen. Max Baucus (D-Mont.) introduced stand-alone legislation (S 338) last year that would also extend LWCF at \$900 million per year in *guaranteed* money. The money would

continue to come from offshore oil and gas revenues.

And guaranteed money is what Congressional supporters and conservationists want. Said Jay Leutze, spokesman for the LWCF Coalition and Trustee of the Southern Appalachian Highlands Conservancy, "Our forbearers entrusted us with a remarkable inheritance. On this 50<sup>th</sup> anniversary, let us return to honest budgeting and full funding for our public lands. Let us continue the legacy of our shared outdoor heritage for the next half-century, and pass these national treasures onto our children and grandchildren."

As for a legislative strategy, Alan Rowsome, a budget specialist for The Wilderness Society, said the coalition is open to anything. "We will take advantage of whatever opportunity presents itself," he said. He said the large bipartisan support for the program augurs well.

Asked if a lame-duck session of Congress would present the best chance of success, he said, "The lame duck or whatever issue where we see the most likely opportunities. We want to see LWCF fully funded and reauthorized by the end of the year."

Fifty-one senators wrote Senate leaders this spring in support of LWCF, including several Republicans. Leading the effort were Sens. Patrick Leahy (D-Vt.) and Richard Burr (R-N.C.) Forty-two senators have cosponsored the reauthorization bill, S 338.

Meanwhile, the House continues to hammer LWCF in annual appropriations bills, while the Senate is a little more generous. On July 15 the House Appropriations Committee approved a fiscal year 2015 Interior and Related Agencies appropriations bill that would reduce federal land acquisition by \$138 million, from \$187 million in fiscal 2014 to \$49 million in fiscal 2015. It would appropriate \$46 million for the state side of LWCF, or \$2 million less than a fiscal 2014 appropriation. The program is authorized to spend up to \$900 million per year.

Leaders of the Senate subcommittee on Interior and Related Agencies were expected at press time to publish a fiscal 2015 spending bill. It is expected to allocate more money to federal land acquisition than the House and more money to the state side of the program.

The LWCF coalition published a report July 23, *Land & Water Conservation Fund 50 Years of Conserving America the Beautiful*, under the signatures of former Secretary of Interior Ken Salazar and Beveridge & Diamond PC Senior Counsel Henry Diamond. The report is available at: <http://lwcfcoalition.org/>.

In addition to reviewing the accomplishments of LWCF - on the state side 40,000 recreation projects around the country - the report recommends that Congress guarantee \$900 million per year to the program.

The existing law, although providing money for LWCF from offshore oil and gas royalties, subjects annual allocations to appropriations bills. And appropriators almost never approve the authorized \$900 million, leaving \$18 billion in the kitty.

In a bit of a wrinkle the Land and Water Conservation Fund Coalition recommended that 1.5 percent of an annual LWCF appropriation go to access to federal lands for recreation. That idea is included in a half-dozen sportsmen's bill circulating on the Hill.

Secretary of Interior Sally Jewell launched a mini-campaign in support of LWCF July 7 at a press conference, promising to visit red and blue states. She complained that Congress has failed to appropriate the \$18 billion for LWCF over the last half-century. The \$18 billion has been posted into the account from offshore oil and gas royalties.

Asked if she had been lobbying House members for support, Jewell said, "We haven't got a commitment yet from individual members of the House. This is all a moving target with legislative proposals."

## Congress nears passage of temporary highway funding

There are no guarantees but the House and Senate at press time were on course to complete legislation by today (August 1) that would keep surface transportation programs going for a few more months.

The lead vehicle is a House-passed bill (HR 5021) that would pony up \$11 billion from a miscellany of tax savings and other revenues to keep the program in money through May 2010. The Senate passed its own version of HR 5021 July 29 that would put up \$8.1 billion through December 19. The two houses are now attempting to negotiate a final deal.

Outdoor advocates are watching the action closely, for fear that critics of an umbrella Transportation Alternative Program (TAP) will be excised from the law, or drastically reduced. TAP provides money for such individual programs as Recreational Trails, Transportation Enhancements, Scenic Byways, and Safe Routes to School.

The Senate did reject July 29 an amendment (SA 3485) from Sen. Mike Lee that would have repealed TAP. The greater goal of the Lee amendment, voted down 28-to-69, was to turn most responsibility for surface transportation over to the states. It would have reduced the gasoline tax from 18.4 cents per gallon to 3.7 cents.

Lee described his amendment as a positive for trails advocates because it would allow communities to put their highway money into whatever projects they wished. "Under the Transportation Empowerment Act (the name of his amendment), Americans could finally enjoy the local infrastructure they want. More environmentally conscious States and towns could finally have the flexibility to invest in more green transit projects and bike lanes," he said.

Congress is acting now on money because (1) the existing law expires at the end of September and (2), worse, the Highway Trust Fund that pays for surface

transportation from gasoline taxes is about to run out of money.

The Senate is ahead of the House on a multi-year authorization bill. The Senate Environment and Public Works (EPW) Committee approved such legislation (S 2322) May 15 that would extend the existing law, Moving Ahead for Progress in the 21<sup>st</sup> Century (PL 112-141 of July 6), for two years. Sen. Barbara Boxer (D-Calif.) chairs the committee.

But EPW doesn't pay the bills. The Senate Finance Committee does and it put together an interim patch that would add \$11 billion to the pot to keep surface transportation programs alive. That's the measure the full Senate approved July 29.

Boxer's House counterpart, House Transportation Committee Chairman Bill Shuster (R-Pa.), has made little progress writing a longer-term authorization bill. No draft bill has been introduced.

Politics enters the debate in a big way. Senate Democrats want Congress to act now on a multi-year bill while they are still in control. Senate Republicans want to delay things until the next Congress when they might be in charge. If Republicans do take over, they may be tempted in 2015 to eliminate outdoor program funding from MAP-21, as the Lee proposal would.

Transportation spending for recreation and trails is also under attack in the House. On June 10 the House approved a fiscal year 2015 appropriations bill (HR 4745) that would bar the use of regional grant money called TIGER for recreation and trails projects. Although rec and trails money was dropped from TIGER by the House, several members pointed out such projects serve as economic engines for local communities.

## **House panel goes after Eisenhower Memorial panel**

The House Natural Resources Committee has opened attacks on all

fronts against a proposed Eisenhower Memorial Commission.

On July 30 the committee approved legislation (HR 5203) that would terminate the existing 12-member commission and staff and replace them all. The committee approved HR 5203 by unanimous consent.

On July 25 the committee had published a report that sharply criticized the commission for selecting and approving the design of architect Frank Gehry for the memorial for former President Dwight D. Eisenhower.

Again on July 25 Rep. Rob Bishop (R-Utah), the chairman of the House subcommittee on Public Lands, introduced the bill that would terminate the existing 12-member commission and staff and replace them all.

Finally, the House Appropriations Committee July 15 approved a fiscal year 2015 appropriations bill that put up no money for the commission. The fiscal 2014 appropriation was \$1 million and the Obama administration had requested \$2 million.

The House Republicans object both to the memorial design and the cost of the project. The report faults the Gehry design in particular for the use of tapestries that it says violates design standards set by the National Capital Parks Commission (NCPC).

The report says, "The NCPC found the tapestry proposal most problematic in that it adhered to only two of the design principles. NCPC staff commented that the tapestries 'read more like an extension of the street wall similar to what would occur if a building was constructed' and that the design 'turns its back on the surrounding precinct . . . rather than creating a common space which the surrounding buildings help define.'"

According to the Obama administration's fiscal year 2015 budget request, the Commission is currently estimating that the total construction costs of the memorial at about \$100 million. Congress has already

appropriated about \$44 million for design and construction of the Memorial and about \$65 million total.

Said the report, "Unfortunately, due to the multiple contracts with dozens of options, upcharges, and contract modifications, it is very difficult to pin down exactly how much money has been spent at each point in this process."

Summed up House Natural Resources Committee Chairman Doc Hastings (R-Wash.), "The House Natural Resource Committee's oversight investigation and report has documented how the stubborn mismanagement displayed in the creation of an Eisenhower Memorial by bureaucratic staff and the Commission over the past fifteen years has produced very little but a track record of wasting millions of taxpayer dollars and a deeply flawed design that's failed to meet even the basic requirements for the memorial which are based on criteria that was clearly laid out as early as 2006."

He added, "A change needs to be made so that an appropriately designed memorial to Dwight Eisenhower can move forward promptly without further waste and distractions."

The design was approved on July 18, 2013, by the U.S. Commission of Fine Arts. However, on April 3 the NCPC disapproved the design, objecting in particular to the tapestries.

Members of the Eisenhower family have objected to the proposal.

To move forward the proposed \$143 million memorial must gain approval from all the commissioners and obtain money from Congress.

The Eisenhower Memorial Commission was established by Congress in 1999. It consists of 12 members including four member of the U.S. Senate and four members of the House. Commission Chairman Rocco Siciliano, a World War II combat veteran, is also chairman of the Eisenhower World Affairs Institute.

## Congress again is asked to formalize Heritage Areas

The chief sponsor of legislation (HR 445) that would establish a national policy for National Heritage Areas (NHAs) asked a House panel July 29 to approve the measure.

Rep. Charlie Dent (R-Pa.) said HR 445 would prevent the willy-nilly designation of NHAs by Congress at the behest of influential local groups.

"Although there are 49 NHAs, presently there is no systematic process in place for Congress to determine if a proposed heritage area should receive the same Congressional designation," Dent told the House subcommittee on Public Lands at a hearing on the bill.

"Further, the designation of a NHA should be based on a nationally significant narrative and the collective resources that contribute to that history," he said. "Without these parameters in place, we have run into situations where a heritage area, quite frankly, really didn't have any business being designated."

Dent introduced the bill with Rep. Paul D. Tonko (D-N.Y.) and 36 cosponsors.

A representative of the 49 existing NHAs is on board. C. Allen Sachse, chair of the Alliance of National Heritage Areas, told the subcommittee the existing process of designation before planning is flawed.

"Unfortunately, the process for designation has changed very little over the past three decades, despite the fact there are now 49 National Heritage Areas," he said. "The major flaw is that most often the National Heritage Area designation takes place before the actual planning is completed. This immediately sets a National Heritage Area in the awkward position of failing to achieve certain benchmarks with both NPS and Congress, not to mention the unfulfilled expectations of local partners."

Under the present system NHAs are usually established when powerful legislators attach riders to omnibus lands bills or to appropriations bills, no questions asked.

No national policy bill has been introduced in the Senate yet during this session of Congress. However, administrations, senators and House members from both parties have sought for two decades to gain control over NHAs with a national policy.

Separately, the Obama administration has proposed a new formula for Congress to appropriate assistance to the Park Service and nonprofit groups to establish and supervise NHAs. The formula would allocate sufficient money for new NHAs to get set up but would limit funding for established ones.

As a result of the formula the Obama administration proposed a major reduction in NHA spending from \$18.4 million in fiscal year 2014 to \$9.2 million in fiscal 2015. In approving a fiscal 2015 appropriations bill July 15 the House Appropriations Committee went along.

Said a House committee report accompanying the bill, "Congress has in recent years expanded from 27 to 49 the number of authorized heritage partnerships, creating additional pressure on available grant funding. The National Park Service, as the administrator of the program, has developed a new funding strategy that ensures newer areas receive enough federal funding to establish themselves to a level that may eventually become self-sustaining."

The committee added, "Under this approach, older, more established, areas will continue to receive funds, but at a level that recognizes the decades of significant Federal financial support these areas have received. Heritage Areas were never intended to receive Federal funding in perpetuity, yet the Committee notes they continue to depend on annual appropriations."

Most recently, Congress

established ten new NHAs in an omnibus lands law (PL 111-11 of March 30, 2009).

Heritage areas usually consist of a mix of public and private lands with striking social, economic, historical and natural features. NHAs don't, in their entirety, quite rise to the level of national parks. However, some NHAs do actually include national park units within their borders.

Once Congress designates an NHA, the Park Service works with local public and private partners to prepare a management plan.

A batch of NHA bills have been introduced in this Congress and the House National Resources Committee and Senate Energy Committee have passed or held hearings on a number of them. If Congress follows past practice committee leaders may attempt to put together omnibus lands legislation after the November 4 elections that includes some NHAs.

In that vein the House subcommittee on Public Lands July 29 took testimony on a proposed NHA in the State of Washington, the Sound Greenway National Heritage Area. Rep. Dave Reichert (R-Wash.) introduced the bill (HR 1785).

### **Mikulski: Treat emergency fire costs as disaster spending**

Senate Appropriations Committee Chair Barbara Mikulski (D-Md.) July 23 introduced an emergency supplemental appropriations bill (S 2648) that includes \$615 million to compensate federal agencies for unpaid fire expenses this fiscal year.

A counterpart House bill (HR 5230) does not include the fire money.

The Senate bill, on the floor at press time, also includes substantive legislation that would transfer emergency fire-fighting costs above a 10-year average out of appropriations bills and into disaster funding, beginning in fiscal year 2017.

Mikulski, whose bill primarily targets the immigration crisis, said of the extra \$615 million, "This bill provides \$615 million to suppress dangerous and devastating wildfires. Already this year, more than 30,000 fires have raged across the nation from Florida to California. In Oregon and Washington State, firefighters are battling 20 major fires. The largest of these blazes, Washington's Carlton Complex Fire, is burning more than 237,000 acres. We cannot stand idly by while lives and livelihoods are at stake."

Of the shift of emergency fire payments to disaster funding a Mikulski fact sheet says, "This bill allows disaster funding to pay for a portion of catastrophic firefighting needs, just as the United States does with hurricanes, floods and other natural disasters. The legislation will allow Congress in future years to provide additional firefighting funds before fire season start up, to break the destructive cycle of borrowing fire prevention and other funds to put out burning fires."

The shift of emergency fire money to disaster funding would by definition free up an anticipated \$400 million-plus per year in an annual Interior Department and Related Agencies spending bill for other purposes.

The leaders of the Senate subcommittee on Interior and Related Agencies at press time were expected to present a draft fiscal 2015 appropriations bill that might not include payback of fiscal 2014 emergency fire spending. Instead, subcommittee Chair Jack Reed (D-R.I.) and ranking Republican Lisa Murkowski (R-Alaska) may follow Mikulski's lead and shift the money to disaster assistance.

However, the House is not on board and important Senate Republicans, including Murkowski, are uncertain about the proposal, as described below.

Despite the Obama administration's support the Senate is closely divided on the immigration bill, with important Democratic moderates against it.

House leaders have also written an emergency immigration bill (HR 5230) but they have not committed to the \$615 million in emergency spending compensation. The Senate and House are not expected to reach a final accord on the legislation until they return to work in September after an August recess. Even then Republicans and Democrats are so far apart on immigration policy that a final deal is considered unlikely.

The emergency immigration bill (HR 5230) now before the House Appropriations Committee does not address emergency fires.

But the measure, introduced by committee chairman Harold Rogers (R-Ky.), would affect federal lands by forbidding the Interior Department and the Forest Service from interfering with activities of U.S. Customs and Border Protection within 100 miles of the nation's borders.

In a July 30 veto message aimed at the House immigration bill the Office of Management and Budget decried the lack of fire money. It said, "H.R. 5230 also fails to provide the necessary resources for the Department of Agriculture to address imminent wildfire suppression and rehabilitation needs without resorting to damaging transfers from other critical forest health and fire preparedness priorities. It also does not include the bipartisan proposal for a discretionary cap adjustment to provide funding certainty in the future for these needs."

The House Appropriations Committee is taking a different tack from the Senate on the emergency fiscal 2014 money, choosing to include \$470 million in paybacks in a fiscal 2015 public lands appropriations bill. The committee approved the bill July 15.

Rep. Peter DeFazio (D-Ore.) and his Democratic House allies are fighting back. Earlier this month they launched a long-shot campaign to bring the disaster-funding bill (HR 3992) to the House floor. DeFazio and company are gathering signatures to a petition to force the House to consider HR 3992,

thus circumventing line agencies.

DeFazio said on the House floor July 29, "There is a bipartisan, bicameral proposal, supported by the President – that is about the rarest thing in Washington, D.C., these days – to give the Forest Service and the BLM the tools they need, an adequate budget, and for these extreme fires – the 1 percent that cost 30 percent of the budget – treat those like emergencies, like we do floods, hurricanes, and tornadoes."

He attacked the Republican leadership, "What have the Republicans done with this? Nothing. Nada. Zip. Not one hearing."

The House Appropriations Committee did approve an extra \$758 million in fiscal 2015 fire-fighting money, compared to this year, counting the \$470 million payback for fiscal 2014. For the Forest Service it approved \$2.888 billion for regular fire fighting and fire prevention expenses, compared to a \$2.162 billion fiscal 2014 appropriation. For the Interior Department it approved \$805 million in regular firefighting and fire prevention expenses, compared to a \$741 million appropriation in fiscal 2014.

For emergency fire-fighting costs in a program called FLAME for the Forest Service and Interior Department combined the panel approved about the same amount of money as is in the fiscal 2014 bill, \$395 million in fiscal 2015 and \$407 million in fiscal 2014.

Meanwhile, in the Senate not everyone is on board the idea of disaster funding for emergency fires. For one Sen. Lisa Murkowski (R-Alaska) July 15 signaled that she will resist President Obama's proposal to transfer emergency fire-fighting costs to disaster funding, even though she went along with the plan in the fiscal 2015 appropriations subcommittee spending bill.

Without her support the proposal's chances are not good in the Senate, despite broad support from western Republicans.

At a hearing on the current fire situation before the Senate Energy Committee July 15 Murkowski said, "We need a resolution that not only fixes the problem but is also politically tenable in the current fiscally constrained environment." She is the ranking Republican on the Senate Energy Committee and the Senate subcommittee on Interior Appropriations.

She added, "Clearly the issue of wildfire suppression and fire borrowing are important ones that Congress needs to address, but simply handing a blank check to the Forest Service is not going to reduce the costs of fighting fires."

Murkowski did not suggest a source of money to make up the hundreds of millions of dollars per year in shortfalls, other than to attack the Forest Service. She said, "What's needed is a fiscally responsible way to address escalating fire suppression costs, while ensuring the Forest Service addresses the excess underbrush and timber that's fueling these big fires."

President Obama touched off this latest squabble with Congress July 8 when he proposing an immediate emergency fire-fighting supplemental appropriation for fiscal year 2014 of \$615 million. Sen. Ron Wyden (D-Ore.) is the lead sponsor of the Senate bill.

Senate Energy Committee Chair Mary Landrieu (D-La.), who often disagrees with the Obama administration, is all in on the disaster-funding proposal.

"It takes the whole nation, in my opinion, including many agencies with the proper resources and skills to effectively respond to and recover from natural disasters, and this bill would categorize mega fires the same way we do hurricanes and floods," she said. "A natural disaster is not the time to play politics with recovery money. People want us to send aid, not delay while we look for offsets."

Forest Service Chief Tom Tidwell described an ominous fire season and future seasons. "Contributing to the problem of large fires is severe drought, increased levels of hazardous fuels and

a changing climate," he told the Senate Energy Committee July 15. "Some experts anticipate future fire seasons on the order of 12 to 15 million acres burned each year. Extreme wildfire threatens lives and the natural resources people need and value, such as clean, abundant water; clean air; fish and wildlife habitat; open space for recreation; and other forest products and services."

Fourteen senators wrote Senate Majority Leader Harry Reid (D-Nev.) and Senate Minority Leader Mitch McConnell (R-Ky.) late last month and urged them to take up the disaster-spending bill, S 1875, either by itself or as an amendment to some other legislation.

The 14 senators signing the letter to Senate leadership included Senate Finance Committee Ron Wyden (R-Ore.)

### **Murkowski: Rec emphasis on public lands needs balance**

Sen. Lisa Murkowski (R-Alaska) said last week that recreation and tourism aren't the be-all and end-all for economic prosperity in and around federal lands.

At a hearing of the Senate Energy Committee on public lands revenues, Murkowski first touted the great benefits of oil and gas development (including the coastal plain of the Arctic national Wildlife Refuge), coal, hard rock minerals and timber.

Then, to the old argument that recreation on federal lands is a good substitute for commodity development, in that it provides a huge economic boost for most state and local governments with minimal damage to the environment, Murkowski said that could only go so far.

"Often we hear that recreation and tourism are the economic engines of the future. We all recognize that these activities are important and no state is more proud of our recreation activities than Alaska," she said. "But recreation and tourism are not adequate substitutes for responsible resource development on federal lands. In Alaska for more than

50 years we have shown that resource development and recreation and tourism can coexist."

Committee chair Mary Landrieu (D-La.), who convened the hearing, recommended that the feds allocate a significant percentage of offshore oil and gas royalties to her State of Louisiana. Ranking committee member Murkowski pitched for greater production from all commercial enterprises.

Offshore oil and gas revenues are of course the engine that runs the Land and Water Conservation Fund, to the tune of \$18 billion over the last 50 years. However, the fight for LWCF funding has become particularly intense because the venerable law is due to expire at the end of fiscal 2015 (Sept. 30, 2015). *(See related article page 6.)*

The Obama administration has for the last two fiscal years recommended that Congress guarantee LWCF \$900 million per year in perpetuity, drawing on new levies on the energy industry.

For all of Landrieu's great friendship with the oil and gas industry, she has also long been a staunch backer of LWCF. At the July 22 committee hearing she said, "As many of you know, I've been a long-time advocate of full funding for the Land and Water Conservation Fund that was authorized and created in 1965 but only in two of the last 50 years has it been fully funded, as was the vision of its creators. I think this is a challenge and I hope our committee is up to meeting it."

The purpose of the hearing, said Landrieu, was to determine how federal land "revenues are generated, how they are shared and how we can be better stewards." Landrieu is in a tight reelection race against Rep. Bill Cassidy (R-La.)

In the hot seat at the hearing was Gregory Gould, director of the Office of Natural Resource Revenue (ONRR) of the Department of Interior. Gould, who stayed away from policy recommendations, did describe the bottom-line financial impact of the department.

"According to the department's 2013 economic activities report Interior activities contributed \$360 billion to the U.S. economy, supporting 2 million jobs and activities including outdoor recreation and tourism, energy development, grazing and timber harvests," said Gould.

"In fiscal year 2013 (ONRR) distributed more than \$14 billion to the U.S. Treasury, various states and Indian accounts, and special use accounts such as the Land and Water Conservation Fund. Included in that \$14 billion was \$932 million to Indian tribes and individual Indian owners."

At the hearing the Theodore Roosevelt Conservation Partnership (TRCP) put in a plug for hunting and fishing on the public lands.

"Thirty-seven million Americans hunt and fish and spend \$58 billion annually," said TRCP Center for Western Lands Director Joel Webster. "While recreational activities like hunting and fishing might appear to be expendable or mere pastimes, they are vital everyday activities to those communities that rely on that business."

**NPS beats its own drums:** The Park Service July 18 offered its own analysis of the contribution of national parks to the nation's economy, coming up with a total of \$26.5 billion annually, plus support for almost 240,000 jobs. That was for the year 2013.

NPS also noted that visitation declined by 3.2 percent in 2013 compared to 2012, but it had two pretty good alibis. For one the budget sequestration closed or semi-closed the National Park System for 16 days in March 2013.

For another thing Hurricane Sandy devastated parks throughout the Northeast in October 2013, shutting some units through the end of the year.

Said NPS Director Jonathan B. Jarvis, "Every tax dollar invested in the National Park Service returns \$10 to the U.S. economy because of visitors spending in gateway communities near the

410 parks of the National Park System."

## Notes

### **America's Favorite Place?**

**Acadia.** The television program Good Morning America said July 24 that its viewers have voted Acadia National Park as "America's Favorite Place." The program gave the viewers only five sites to choose from - Acadia National Park, Chicago's Lakefront, Glacier National Park, Gulf Shores, and Lake Tahoe. Still, Acadia will take what it gets. Acadia Superintendent Sheridan Steele said, "We are proud and excited for Acadia National Park to have been named America's Favorite Place. This designation recognizes the park's extraordinary scenic beauty and opportunities for hiking, biking, and paddling. We owe a big thanks to our many partners for helping us protect the park's resources and maintain visitor facilities." Good Morning America made the announcement during a live program broadcast from Jordan Pond.

### **Rubenstein steps up for NPS again.**

David M. Rubenstein, the man who donated \$7.5 million to restore an earthquake-damaged Washington Monument, is now coming to the aid of the Arlington House in Arlington National Cemetery. The Park Service announced July 17 that Rubenstein had donated \$12.35 million to restore the more than 200 year-old house that sits atop Arlington Cemetery. The house was built between 1802 and 1818 and served as the home of Robert E. Lee before the Civil War. Rubenstein's gift was presented to the National Park Foundation, the official charity of the National Park Service, as part of the foundation's Centennial campaign. Rubenstein said, "I am honored to support the National Park Service's renovation of historic Arlington House built in honor of George Washington and located on hallowed ground atop Arlington National Cemetery. I hope that upon its restoration, Arlington House will appropriately remind visitors of America's rich history and our country's good fortune to have such a unique site to honor our veterans, especially those who gave the last full measure of devotion on behalf of this

nation." When the Washington Monument was closed after an Aug. 23, 2011, earthquake Rubenstein stepped up and donated \$7.5 million for its repair, matching Congressional appropriations of the same amount. NPS reopened the monument on May 12 of this year.

**Scientists see NPS vegetation shift.** A group of scientists reported July 28 that climate change and habitat loss are forcing vegetation up slope and north within national parks. In looking at the vulnerability of national parks to climate change the scientists found that urbanization, agriculture and deforestation make "ecosystems more vulnerable to climate change," according to an NPS press release. "We already established that climate change and habitat loss affect national parks, but this scientific study links these negative effects and identifies just how much of the landscape is at risk," National Park Service Director Jonathan B. Jarvis said. "The good news is that the study also identified areas of biodiversity that are refuges and wellsprings for species." Indeed, the research by University of Southampton scientist Felix Eigenbrod, National Park Service climate change scientist Patrick Gonzalez and colleagues, identified broad areas that are fairly resistant to climate change, called refugia. Between 10 percent and 28 percent of the world is in potential refugia and half of the National Park System is. Perhaps the best way to find more information about the report is to go to <http://www.nps.gov/news/listing.htm> and follow the directions in the release.

**House GOP complains of fed bullies.** The House subcommittee on Public Lands July 24 gave a platform to citizens who said public land managers had attempted to take their private property rights. Testifying at a hearing on bullying by land managers were western local officials, ranchers, business owners and private citizens. The complaints seem to be aimed mostly at law enforcement officials. For instance, A. Grant Gerber, an Elko County Commissioner from Nevada said, "Now the Federal agents are predominantly from outside the area and do not develop connections with the

locals as was done previously. Many start off with a belligerent attitude, even a commanding presence. They are especially offended if anyone opposes any Federal Government actions." Said Rep Doug LaMalfa (R-Calif.), "These firsthand accounts give the victims of abusive conduct by a federal land managing official a chance to tell their story to Congress. Status quo agency oversight, policies and procedures are inadequate for addressing or deterring employee abuses and may instead embolden overreaching or malicious employee behavior with little risk of retribution for their actions." There is another side to this debate, said Garrett O. VeneKlasen, executive director of the New Mexico Wildlife Federation, referring to a "Cliven Bundy standoff in Nevada and the ATV trespass fiasco in Utah's Recapture Canyon." On April 12 rancher Cliven Bundy in Nevada refused to leave public lands when ordered to do so by the Bureau of Land Management (BLM). Bundy and some 100 citizens, many of them armed, faced down BLM when the bureau tried to confiscate 100 head of cattle. And on May 10 as many as 50 all-terrain vehicle (ATV) riders entered Recapture Canyon managed by BLM near Blanding, Utah, an area off limits to them. The riders traveled about a mile into the canyon as 30 sheriff's deputies and BLM law enforcement officials watched.

**Murkowski joins monuments battle.** Ranking Senate Energy Committee Democrat Lisa Murkowski (R-Alaska) July 15 introduced her own bill (S 2608) to curb Presidential authority to designate national monuments from public lands. Murkowski said she would make any such designation under the Antiquities Act of 1906 subject to (1) prior approval of Congress; (2) approval of each state legislature within 100 miles; and (3) environmental documentation. House and Senate Republicans have introduced a dozen or more similar bills but Murkowski is a particularly influential Republican. She said, "The continued foreclosure of our lands and waters threatens economic activities from fishing to exploration for oil and natural gas." Western Republicans fear new monument designations would limit commodity uses of the public

lands. They often 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. (Note: The Alaska National Interest Lands Conservation Act of 1980 already subjects any monument designation in Alaska of more than 5,000 acres to the approval of Congress.)

## Boxscore of Legislation

### Appropriations fiscal 2015

No bill yet. House committee approved July 15. Senate subcommittee leaders posted draft bill July 31. House panel would limit conservation and land management funding by including extra fire and PILT money in its bill. Senate subcommittee leaders do not include extra fire money and PILT.

### Congressional Budget Fiscal 2015

H Con Res 96 (Ryan). House approved April 10. Would stick with December budget agreement. Opposes LWCF guarantee. Opposes emergency fire-fighting account.

### 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 Feb. 14, 2013. McKinley introduced July 18, 2013. 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, 2013. Would authorize HUD grants and HUD loans to provide assistance to urban parks.

### National recreation commission.

HR 1834 (Grijalva). Grijalva introduced May 6, 2013. Would establish a national rec 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) and S 2608 (Mikulski). House hearing April 16, 2013. Would variously require Congressional approval or state approval of national monuments under the Antiquities Act.

### National heritage areas

HR 445 (Dent). Dent introduced Feb. 1, 2013. Would establish national policy and national standards for heritage areas.

### Montana wilderness/recreation areas

S 37 (Tester). Senate committee approved Dec. 19, 2013. 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), S 2363 (Hagan). House approved February 5. Hagan introduced February 4. S 2363 now on Senate floor. Measures include numerous individual bills, including designation of public lands as open-unless-closed to hunting and fishing, use of LWCF for sportsmen's access.

### Hunting federal lands

S 170 (Murkowski), HR 1825 (Benishak). Murkowski introduced Jan. 23, 2013. Included in sportsmen's packages above. House approved February 4. Would declare BLM and FS lands open to hunting and fishing unless specifically closed.