

Federal Parks & Recreation

Bulletin # 9: August 1, 2011

Dear Subscriber:

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

- * **HOUSE STANDS UP FOR LWCF, SORT OF, IN MONEY BILL**
- * **HOUSE CUTS LAND MANAGER SPENDING KIND OF GENTLY**

NOTE: This bulletin is a supplement to your regular edition of Federal Parks & Recreation. It is NOT your regular issue. The next issue will be published August 5.
The Editors

House outdoor spending cuts, riders in money bill

The full House last week voted three times in favor of the Land and Water Conservation Fund (LWCF). But by the start of business today House Republicans were still on course to reduce federal acquisition alone by almost \$100 million. And provide the state grant program with no money.

The House actions came during consideration of a fiscal year 2012 spending bill (HR 2584) for the Interior Department and Related Agencies. The House addressed the bill for four days, but did not complete it because of the press of budget deficit business.

The details of the budget agreement reached yesterday must still be worked out, but in broad strokes the deal calls for roughly \$100 billion per year in discretionary budget cuts, presumably compared to fiscal 2011.

When the House does complete the Interior spending bill, perhaps in the next couple of days, it almost surely will reduce outdoor spending and revise outdoor policy.

In one policy vote July 27 the House approved a provision that would bar the Interior Department from designating any new 'wild lands.' That may not be necessary because Salazar has already said BLM will not on its own designate wild lands but will ask Congress to do so.

Another floor amendment may be offered this week to support a ban on the withdrawal of one million acres of public land near Grand Canyon National Park from mining claims. The bill as approved by the House Appropriations Committee would remove the withdrawal ban.

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Also possible is an amendment from Rep. Denny Rehberg (R-Mont.) that would prevent the administration from designating any national monuments. The Antiquities Act of 1906 gives the President authority to designate national monuments.

Federal land managers are doing a bit better than grant programs, with Park Service and Forest Service appropriations in the neighborhood of fiscal 2011 numbers. (See *following article.*)

The Senate has not begun to address domestic appropriations bills yet. Nor has it begun work on a Congressional budget that is supposed to guide appropriations bills. But if and when it does act on appropriations bills, the Senate is expected to support far greater spending for conservation than the House.

Looming over the negotiations over the Interior money bill of course is the ongoing deficit reduction dispute. Until that dispute is resolved, if it is ever resolved, more decreases in spending may be forced.

For now the Interior Department spending bill is the only concrete spending gave in town.

In other spending bills the House approved a fiscal 2012 **Department of Agriculture** appropriations bill (HR 2112) June 16 with reductions of \$1 billion in conservation spending. And the \$1 billion comes on top of a \$500 million reduction in fiscal 2011.

The House July 15 approved a fiscal 2012 **Energy and Water** appropriations bill (HR 2354) that would block a proposed new Obama administration wetlands permit policy. That is the same provision that the House committee inserted in the Interior bill July 13.

Finally, a fiscal 2012 **Transportation** spending bill has not begun to move. It was originally scheduled for subcommittee action July 14, followed by full committee July 26. The committee has set a spending cap for the bill of \$47.7 billion that is \$7.7 billion less than the fiscal 2011 appropriation of \$55.4 billion. House Republican leaders have reportedly deferred action on the Transportation bill until fall to allow time to resolve budget deficit disagreements.

Although the House Interior bill was reducing spending across-the-board for conservation programs, it did find money for commercial users of the public lands. For example to accelerate the renewal of grazing permits the committee approved a \$10.6 million increase for grazing management by the Bureau of Land Management (BLM), to \$87.5 million from \$76.9 in fiscal 2011. For the Forest Service the committee approved an increase in grazing of \$5.7 million to \$55.4 million from \$49.7 million in fiscal 2011.

LWCF AMENDMENTS:

The big LWCF amendment would have eliminated all federal land acquisition. It was defeated by an unrecorded vote. Chief sponsor Rep. Doug Lamborn (R-Colo.) would have lopped off all federal land acquisition money (the state side was already eliminated.) "Our Federal agencies have enough on their plate, and if we zero out these land acquisition programs, we can save a significant amount of money," said Lamborn.

But Rep. Jim Moran (D-Va.), ranking minority member of the House Appropriations subcommittee on Interior, said, "The amendment would exacerbate an already draconian cut - 78 percent cut - to the Land and Water Conservation Fund, a program that is already paid for using a very small percentage of oil drilling receipts. I would hope that my colleagues and anybody that might be listening to this debate would understand that Land and Water Conservation Fund moneys are not taxpayer dollars. They come from the receipts from oil and gas drilling - drilling that is on publicly owned land."

The second LWCF amendment succeeded. It would increase federal land acquisition by \$20 million by deducting the same \$20 million from Interior Department overhead. It was approved on an unrecorded vote. The sponsor, Rep. Charlie Bass (R-N.H.), said, "We need to continue the program of land conservation, local recreation, and, yes, working forests. And a \$68 million appropriation just plain doesn't do it."

Although Moran supports LWCF, he opposed the amendment because it would draw money from the operation of the Interior Department. "Now, we couldn't agree more that (LWCF) never should have been cut by 78 percent," he said. "It should be restored. We have said that in our statement. We support amendments to restore it, but certainly not to take it from the ability of the Secretary of the Interior to collect the very revenues that the government needs and that the American people are owed."

The third LWCF amendment also succeeded. It would add \$5 million to LWCF to be used for hunting and fishing access. The money would come from EPA's Brownfields Restoration program. The amendment sponsor, Rep. Scott Tipton (R-Colo.), said, "This funding would be used for projects that clearly and specifically improve access for hunting, fishing and other forms of outdoor recreation on these Federal public lands. Of the directed funds, \$5 million would be redirected to make public lands public and provide much needed support for recreational access."

Rep. Rush Holt (D-N.J.) has prepared but has not yet offered an amendment that would guarantee LWCF \$900 million per year, without further appropriation. Guaranteed funding is the Holy Grail of LWCF supporters, but it has zero chance of House acceptance.

PROGRAM SPENDING LEVELS: Here's what HR 2584 looked light when it reached the House floor for other grant programs:

For national **heritage areas** the committee met the administration request of \$8,993,000, but that is \$8,408,000 below the fiscal 2011 enacted level. The committee noted that Congress has increased the number of heritage areas in recent year from 27 to 49 and urged partnerships that manage those areas to find new sources of funding.

The House had under consideration two amendments dealing with heritage areas. It rejected by voice vote July 26 an amendment from Rep. Paul Tonko (D-N.J.) that would have restored the additional \$8.4 million from last year. To pay for this increase, Tonko would have deducted the \$8.4 from an Office of the National Parks Service account.

Said Tonko, "We must preserve sites that are historically significant. Doing so will increase community spirit as well as generate much-needed tourism dollars. A recent United States Cultural and Heritage Tourism Marketing Council and United States Department of Commerce study revealed that cultural heritage travelers contribute more than \$192 billion annually to our United States economy."

From the other side Rep. Tim Huelskamp (R-Kansas) has prepared but not yet offered an amendment that would bar any spending on heritage areas. It is not clear if that amendment will reach the floor.

For state and Indian **wildlife conservation grants** the bill contains \$22 million, down by \$40 million from the \$62 million in fiscal 2011.

For the **Historic Preservation Fund** HR 2584 would provide \$49,500,000, or almost \$5 million less than the fiscal 2011 level and \$11.5 million below the budget request.

For the **Save America's Treasures** grants program the committee approved no money, the same as fiscal 2011 and the administration request. In fiscal 2010 Congress appropriated \$25 million.

For the **Preserve America** grants program the committee approved no money, the same as fiscal 2011 and the administration request. In fiscal 2010 Congress appropriated \$4.6 million.

House goes fairly easy on agencies in money bill

The House is close to completing a fiscal year 2012 outdoors spending bill (HR 2584) that would not reduce federal land management agency spending as much as it would reduce conservation spending.

For instance the bill on the House floor would reduce the appropriation for Park Service operations by "only" \$6.9 million, from \$2.250 billion in fiscal 2011 to \$2.243 billion.

For Forest Service recreation management the bill would meet the fiscal 2011 appropriation number of \$281.6 million, although that was \$8.9 million below the administration's fiscal 2012 request.

For Bureau of Land Management (BLM) recreation management the bill would provide \$67.6 million, down \$1.2 million from fiscal 2011 and \$9.2 million below an administration request.

The House is about to take the National Landscape Conservation System managed by BLM to the woodshed, cutting the appropriation by \$11.9 million, to \$20 million from \$31.9 million in fiscal 2011. Moreover, the appropriation represents almost a 50 percent reduction from the Obama administration request of \$39.3 million. The 26 million-acre NLCS is by definition made up largely of conservation lands, including "wild lands."

For management of national wildlife refuges the committee approved a \$37 million decrease for fiscal 2012, in sharp contrast with a recommendation from an alliance of refuge supporters.

The White House attacked both the spending numbers and the substantive provisions in HR 2584. The bottom line, said the Office of Management and Budget (OMB) in a July 21 statement, was a likely veto.

For instance on money OMB said the bill would hurt operations of the Fish and Wildlife Service (FWS). "The funding provided for operations would seriously degrade the ability of FWS to maintain the network of National Wildlife Refuges and fulfill other statutory responsibilities," said OMB.

For FWS refuge management the bill would provide \$455 million, or \$37 million less than the fiscal 2011 appropriation of \$492 million. The administration requested \$503 million.

The Senate thus far this year has been missing in action. The Senate Budget Committee failed to develop a Congressional budget and the Senate Appropriations Committee has scheduled no domestic bill mark-ups yet.

In addition to the operating budgets of the federal land management agencies, the House bill includes a substantive provision that would block proposed Obama administration wetlands policy guidance. The bill says no money, whether fiscal 2012 or prior, could be used to redefine navigable waters. That definition guides EPA and the Corps of Engineers in deciding whether a Section 404 wetlands permit is required for projects that affect the nation's waters.

Here are some of the numbers in HR 2584 for land management agencies, compared to fiscal 2011:

- * Park Service operations: \$2.243 billion, or \$6.9 million less than the \$2.250 billion in fiscal 2011. The administration request was \$2.297 billion.
- * Park Service construction: \$152 million, or \$58 million less than the \$210 million in fiscal 2011. The administration request was \$152 million.
- * Park Service recreation and preservation: \$49.4 million or almost \$10 million less than the \$59 million in fiscal 2011. The administration request was \$51.6 million.
- * National Forest System: \$1.547 billion, or \$2 million more than the \$1.545 billion in fiscal 2011.
- * National forest recreation management: \$281.6 million, or the same as fiscal 2011. The administration requested \$290.5 million
- * BLM recreation management: \$67.6 million, or \$1.2 million less than the fiscal 2011 level of \$68.8 million. The administration requested \$76.8 million.
- * BLM NLCS: \$20 million, or \$11.9 million less than the fiscal 2011 appropriation of \$31.9 million. The administration requested \$39.3 million.
- * FWS refuge management: \$455 million, or \$37 million less than the fiscal 2011 appropriation of \$492 million. The administration requested \$503 million.

Here are four riders dealing with federal land management:

WILD LANDS: The House July 27 voted to retain a bill provision that would bar the Interior Department from designating any new 'wild lands.' That may not be necessary because Secretary of Interior Ken Salazar has already said BLM will not on its own designate wild lands but will ask Congress to do so.

The ban is already in place through September 30 in a fiscal 2011 appropriations bill (PL 12-10 of April 15) and Salazar himself has pledged not to designate any wild lands without Congressional approval.

Rep. James Moran (D-Va.), who offered the unsuccessful House floor amendment to remove the wild lands provision, said, "Now, the order that Secretary Salazar has issued directs BLM to develop recommendations to the Congress regarding wilderness land designations. And it directs public involvement in the development of those recommendations. Now what could be wrong with that - make recommendations to the Congress and have public involvement?"

But Rep. Rob Bishop (R-Utah) countered that just because Salazar promised not to designate wild lands doesn't make it so. "If, though, you want to try to have some kind of dangling aspect out there so that somebody can sue someone somewhere and maybe change the entire process, then create doubt and actually withdraw language that was in the (fiscal 2011 law) that was approved by the House and the Senate and signed by the President," he said.

GRAND CANYON: Democrats are expected to offer a floor amendment this week that would allow the Interior Department to withdraw 1 million acres of federal and from uranium mining near Grand Canyon National Park. As now written the bill would bar such a withdrawal. The bill says "none of the approximately 1,010,776 acres of public lands and National Forest System lands described in (an emergency withdrawal) . . . may be withdrawn from location and entry under the General Mining Law of 1872," unless Congress approves such a law.

Secretary of Interior Ken Salazar June 20 ordered a six-month withdrawal of the one million acres to block temporarily additional uranium development. Then he chose a preferred alternative of a 20-year withdrawal in an EIS that will be completed later this year. Salazar said he would make a final decision this fall on a 20-year withdrawal.

WETLANDS DEFINITION: The House has already approved in an Energy and Water spending bill (HR 2354) a ban on the implementation of proposed Obama administration guidance on a definition of navigable waters subject to wetlands permitting. That definition would help EPA and the Corps of Engineers decide whether a Section 404 wetlands permit is required for projects that affect the nation's waters. Now the Interior bill includes a similar provision.

The Interior spending bill says no money in the bill or any other bill may be used "to develop, adopt, implement, administer, or enforce a change or supplement to the rule dated November 13, 1986, or guidance documents dated January 15, 2003, and December 2, 2008, pertaining to the definition of waters under the jurisdiction of the Federal Water Pollution Control Act."

The proposed Obama administration guidance attempts to interpret a U.S. Supreme Court decision that appeared to limit Section 404 permitting authority to navigable waters. That is the famous *Rapanos* decision.

CALIFORNIA OHV ROUTES: The provision would direct the Forest Service in California to allow off-highway vehicle (OHV) use on "Maintenance Level" roads in national forests. Four Republican House members led by Rep. Wally Herger (R-Calif.) have introduced stand-alone legislation (HR 242).

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