

Federal Parks & Recreation

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Senate committee gives LWCF boost in big energy bill

The Senate Energy Committee approved legislation July 30 that would reauthorize the Land and Water Conservation Fund (LWCF) permanently.

The bill, from chairman Lisa Murkowski (R-Alaska) and ranking Democrat Maria Cantwell (D-Wash.), would also establish a \$150 million per year Park Service maintenance account. Although that account would draw on the same source of money as LWCF - offshore oil and gas royalties, it would constitute a separate fund and would not draw revenues from LWCF itself.

In the legislation Murkowski and Cantwell would specify minimum annual allocations within LWCF, such as at least 40 percent per year for federal land acquisition and at least 1.5 percent per year (or more than \$10 million) for access to federal land for recreational purposes.

Finally, the bill (unnumbered at press time) would require expenditure of at least 40 percent of annual LWCF appropriations for a combination of state LWCF grants, Forest Legacy, endangered species grants and an American Battlefield Protection Program.

At a July 28 committee mark-up Sen. John Barrasso (R-Wyo.) attempted to tip the spending balance toward state grants by offering an amendment to boost the allocation from at least 40 percent to at least 50 percent. The committee rejected the amendment by a 7-to-15 vote, even though Murkowski supported it.

Said Barrasso, "My amendment supports urban parks and makes sure more people will be able to recreate, play and exercise outdoors in their local

community, in their local parks. These projects have a direct impact on quality of life in their communities."

But Cantwell said the amendment could upset the balance bill sponsors struck in writing the provision. "We tried to give extra emphasis to nonfederal programs by requiring for the very first time that not less than 40 percent be allotted to nonfederal programs like the state grants," she said. "This amendment changes a very delicate balance here and I think we should keep this balance in the legislation."

Besides, Sen. Martin Heinrich (D-N.M.) said the bill already gives appropriators the flexibility to increase the emphasis on state grants each year because of an unallocated 20 percent.

"The underlying bill here sets a balance of 40-40 between federally-administered programs and grants to states funded by LWCF," he said. "It also leaves a margin of flexibility for Congress to address priorities that change from year-to-year. I believe we should give ourselves and future Congresses that flexibility . . . If 50 percent or even 60 percent."

Unlike a stand-alone bill (S 890) to extend LWCF Cantwell introduced earlier this year, the committee leaders' new measure would not guarantee LWCF money. The program would still be subject to annual appropriations.

The Murkowski-Cantwell LWCF provision is not a stand-alone measure. Rather it is included in a massive, 350-plus page bill that would encourage energy development in the country. Murkowski and Cantwell have been working on the measure all year. The bill text and background materials are available at: <http://www.energy.senate.gov/public/index.cfm?p=legislation&id=87D9E1CF-1B96-4815-9D05-387798EFAEA7>.

The National Recreation and Park Association (NRPA) backs the idea of a permanent LWCF, but is apprehensive about the 40 percent stateside set-aside because it would make that money available for other purposes. Those

purposes include the Forest Legacy Program administered by the Forest Service, cooperative endangered species grants and the American Battlefield Protection Program.

Said NRPA in summing up the Senate committee provision, "NRPA will continue efforts to identify Senate champions and pursue efforts to modify the measure so that either the 'stateside' percentage is larger and/or that there would be some sort of additional account dedicated to local community parks."

Conservationists marching under the banner of a Land and Water Conservation Fund Coalition endorsed the bill. "This is a huge step forward at a critical time because the program's current authorization will expire in less than 70 days," said Alan Rowsome, senior director of government relations for lands at The Wilderness Society and cochair of the LWCF coalition. "We are proud to endorse this agreement that would make America's most important conservation program permanent."

As drawn up 50 years ago the Land and Water Conservation Act called for 60 percent of the annual LWCF appropriation to be allocated to state grants. But the law has been amended over the years to entitle other programs to share the money, and Congress in recent years has lowered the state share to an average of 12.5 percent of the total annual appropriation.

Throughout LWCF's history state and local officials have partnered in support of the program with national conservation groups that are primarily concerned with federal land acquisitions. However, under the surface there has always existed tension between the two sides as federal acquisitions have received the lion's share of appropriations.

The Senate Appropriations Committee followed that pattern June 18 in the course of approving its version of a fiscal year 2016 appropriations bill (S 1645). It would appropriate \$157.5 million for the federal land acquisition and \$55 million for state grants.

A counterpart House spending bill (S 2822) that is now stalled on the floor would appropriate \$91 million for the federal side and \$48 million for state grants. The fiscal 2015 appropriation for state grants is \$48 million.

Meanwhile, LWCF supporters may be facing a bigger fight than just the fiscal 2016 appropriation - the renewal of the underlying law, as the Murkowski-Cantwell bill would do. The LWCF Act is scheduled to expire at the end of September. Supporters of the program from both political parties are pushing their leaders to act on renewal legislation.

On LWCF's behalf in the Senate, 13 Republicans voted for an extension of LWCF January 29 when Sen. Richard Burr (R-N.C.) offered such an amendment to a Keystone Pipeline System bill. The amendment was defeated by a 59-to-49 vote, with 60 votes needed to pass.

Five Republican senators led by Burr have sponsored stand-alone legislation (S 338) this year that would make LWCF permanent at \$900 million per year. Six Democrats cosponsored the Burr bill.

Six Democratic senators led by Cantwell introduced a separate bill (S 890) March 27 that would permanently reauthorize LWCF, with guaranteed funding. The Burr bill would not guarantee money for LWCF; Cantwell would.

Finally, Heinrich and 13 other Democrats introduced a broad county-assistance bill (S 1925) that would extend LWCF permanently. The bill would also authorize a payments-in-lieu of taxes program and a Secure Rural Schools program.

The House is another story where House Natural Resources Committee Republicans have doubts about LWCF.

As committee chairman Rep. Rob Bishop (R-Utah) told NRPA in May, Congress should not simply renew the program but should change it, with a de-emphasis on federal land acquisition.

"This September, the LWCF program expires," Bishop said. "Many politicians simply want Congress to extend the law as it currently exists. To me, however, passing a 50-year-old law without common sense reform is a missed opportunity. There are different needs today than when the LWCF was created half a century ago, and the program has failed its original intent."

He added, "Most importantly, we need to provide state and local communities with greater control and involvement over land-management decisions that directly affect them, which includes a more robust and equitable distribution of LWCF to the Stateside Program."

Appropriations head for inevitable October CR

Congressional leaders have about given up on passing individual appropriations bills by a September 30 deadline, almost insuring one or more continuing resolution (CRs) will be needed to keep the government in money.

An aide to a House Appropriations Committee member told us late last week that "the Speaker has already stated a short-term CR (continuing resolution) will almost certainly be needed." The Speaker is House Speaker John Boehner (R-Ohio).

That may be troublesome because a CR will almost certainly surface at the same time Congress is trying to raise the debt ceiling, move a transportation

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 September 4. All offices will be open throughout August. We will resume a regular biweekly publishing schedule in September.

If major news breaks in the next few weeks will will e-mail you a bulletin.

bill and approve an extension of tax breaks. In the middle of all that Senate Democrats are unified in demanding that Republican leadership renegotiate gross spending ceilings.

As President Obama said July 30 in signing a temporary surface transportation bill, "On the domestic side, I've already said that we're not going to accept sequester-level budgets that result in effective cuts to critical programs like education that are imperative for our long-term growth. So my hope is, is that (Congress is) prepared to come up with a plan and approach whereby Democrats and Republicans sit down and negotiate a budget that works for everybody, . . ."

So the whole thing could come to a crashing halt. Or it could be rolled into a giant, successful package. Or the parts could be addressed piecemeal. At this point no one knows.

Individual spending bills have trouble of their own, particularly an Interior and Related Agencies bill. It has become so freighted with controversial amendments in the House that House leaders deferred action on its bill (HR 2822) July 9, perhaps until a grand budget agreement is struck. If such an agreement is politically feasible.

An Energy and Water Appropriations bill (HR 2208) was approved by the House May 1 and the Senate Appropriations Committee May 21, but has moved no further. A Transportation appropriations bill (HR 2577) also has been approved by the House and was approved by the Senate subcommittee on Transportation appropriations June 23, but moved no further.

The House and Senate are now on vacation until early September.

The most prominent controversy facing the House bill is a proposed amendment that would authorize the flying of the Confederate flag over cemeteries that are part of the National Park System.

But the measure is ensnared in

other, major policy disputes as well. Among them are amendments to block the designation of national monuments, to bar national parks from banning bottled water and to encourage the sale of federal lands.

The Office of Management and Budget (OMB) said that the budget allocation to HR 2822 (and other domestic spending bills) is too low. "The President's senior advisors would recommend that he veto H.R. 2822 and any other legislation that implements the current Republican budget framework, which blocks the investments needed for our economy to compete in the future," said OMB.

As we have reported Speaker Boehner pulled HR 2822 from the House floor July 9 just before a final vote because of the Confederate flag amendment.

The amendment, introduced by Rep. Ken Calvert (R-Calif.), would reverse a provision in HR 2282 that would forbid the flying of the Confederate flag over cemeteries managed by NPS.

Boehner was unable to muster enough votes to pass the bill with the amendment authorizing display of Confederate flags in national parks because of moderate Republican and Democratic opposition. Nor could he muster sufficient votes to pass the bill without the flag amendment because of southern Republican opposition.

The spending cap: The House Appropriations Committee in May assigned a spending cap to the Interior and Related Agencies subcommittee bill that is \$246 million less than a fiscal 2015 ceiling of \$30.416 billion. The committee set a cap of \$30.170 billion for fiscal 2016. Still, that is marginally above the spending cap of \$30.010 billion set by the Senate Appropriations Committee May 21.

Congressional Democrats and the White House have made no secret of their plan to fight the spending caps for all domestic appropriations bills on any and all occasions. They will call on their Republican colleagues to replace or revoke a sequestration law that sets

broad domestic and military spending ceilings. But Congressional Republicans are just as determined to stick with sequestration.

In the Senate Democratic opposition to a Senate Appropriations Committee-passed bill (S 1645) is so solid the measure may not make it to the floor. Thus, senators from both parties are already talking about the possibility of a significant delay in addressing the bill before the start of fiscal year 2016 on October 1.

Complicating the House bill is its approach to funding the payment-in-lieu of taxes (PILT) program and emergency fire fighting. HR 2822 would pay for both programs from appropriations in the bill.

Heretofore Congress has usually paid for PILT with money outside the appropriations bill, leaving room for assistance for other programs.

On the fire front both the House and Senate are moving to shift a portion of emergency fire fighting money out of appropriations bills and into disaster spending. In approving a counterpart Interior spending bill (S 1645) to the House measure the Senate Appropriations Committee June 18 approved such legislation.

Although HR 2822 doesn't contain similar legislative language, the House did approve stand-alone legislation (HR 2647) July 9 that would authorize the transfer of some emergency fire-fighting costs out of a regular appropriations bill and into disaster spending.

Confederate flag: The Calvert amendment would undo an amendment that Democrats had added to HR 2811 on the subject July 7. The amendment from Rep. Jared Huffman (D-Calif.) would forbid the display of Confederate flags at federal cemeteries. The Huffman amendment was approved without a formal vote.

The bill contains two other Confederate flag amendments that the Calvert amendment would not address. One from Huffman would bar a Park

Service concessioner or a nonprofit within a park from selling the Confederate flag for non-educational purposes. That matches a Park Service policy.

A third amendment from Rep. Hakeem Jeffries (D-N.Y.) would forbid the purchase or display of the Confederate flag except to provide historic context.

Glass bottles: An amendment from Rep. Keith Rothfus (R-Pa.) would not let National Park System units ban water bottles within the parks.

The amendment addresses a 2010 controversy that erupted when Grand Canyon National Park attempted to ban water bottles.

On Dec. 14, 2011, the Park Service issued a new water bottle policy, not just for Grand Canyon but for all units. The policy allows superintendents to ban water bottles if they first obtain approval from the applicable regional director. The superintendents must first submit a request in writing. The Rothfus amendment, approved July 7 by voice vote, would not let the Park Service implement such bans.

National monuments: An amendment from Rep. Crescent Hardy (R-Nev.) would block the designation of national monuments in 17 counties in the West where such Presidential actions are considered probable.

Hardy is most concerned about the recent designation of a 700,000-acre national monument on Bureau of Land Management Land property in the Garden and Coal Valleys of southern Nevada.

But Hardy, who represents the area, opposes the designation and is attempting to block it on the House floor. He persuaded the House July 8 to approve an amendment to a fiscal year 2016 appropriations bill (HR 2822) that would forbid the designation. The vote was 222-to-206.

The Hardy amendment would also block anticipated national monument designations in 17 counties in Arizona, California, Colorado, New Mexico,

Nevada, Oregon and Utah.

However, the Hardy amendment came too late in the game to block the Basin and Range designation because it is prospective - it would forbid spending money to make a national monument proclamation in fiscal year 2016.

Old riders: Already in the House bill, coming out of the House Appropriations Committee, were policy amendments that would extend the Federal Lands Recreation Enhancements Act for one year; forbid EPA from completing a proposed rule that would reduce carbon emissions from existing power plants; forbid EPA from implementing a May 27 rule that would expand the definition of a wetland subject to a Section 404 permit under the Clean Water Act; forbid any agency from attempting to transfer water rights to the federal government on renewal of a permit; and block implementation of a National Ocean Policy proposed by the Obama administration.

The money: On the money front HR 2822 would sharply reduce funding for the Land and Water Conservation Fund, allocate token money for the Park Service Centennial and, at best, maintain existing spending levels before inflation for most land management agencies.

For Park Service operations the House bill includes a \$52 million increase, primarily for the agency's Centennial in 2016. The House would appropriate \$2.328 billion for operations, compared to a fiscal 2015 appropriation of \$2.276 billion.

The Senate Appropriations Committee June 18 approved a counterpart bill (S 1645) with \$5 million more for NPS operations than the House, \$2.323 billion.

The Senate committee said it approved \$110 million in total for the Park Service Centennial; however, the two panels did not provide analogous breakdowns to allow direct comparisons.

In threatening a veto OMB first complained about a total funding

level that is \$2.2 billion below the administration request.

"The bill drastically underfunds core Department of the Interior programs as well as the Environmental Protection Agency's operating budget, which supports nationwide protection of human health and our vital air, water and land resources," said OMB.

As for policy amendments/slash riders OMB said, "Further, the bill includes numerous highly problematic ideological provisions that have no place in funding legislation."

NPS and concessioners see need for contract reforms

Park Service concessioners and the Park Service itself conceded to Congress last month that the current contract system in the parks is close to broken.

They both faulted a system that discourages concessioners from making improvements to park facilities for fear the cost of those improvements will load down the next contract. And the concessioners said the brevity of contracts (a standard 10 years) is not long enough to recoup investments.

NPS Chief Financial Officer Lena McDowall told the House subcommittee on Interior of the House Oversight Committee that the contract system is "upside down."

"The way leasehold surrender interest (LSI) works is that investment grows over the life of the contract so that at the end of the contract the amount owed on that contract has to be paid by the next incoming concessioner," she said in response to questioning from subcommittee chair Cynthia Lummis (R-Wyo.)

"The Park Service is very careful about how much LSI it approves on a particular contract to make sure we don't end up in a situation where a contract is upside down where the revenues that are expected over the life of that contract can't support the burden of the LSI investment that

would need to be made by an incoming concessioner," McDowall said.

Alex Klein, vice president of Grand Teton Lodging Company, seconded the motion. "I agree with the conundrum but I don't see an obvious fix to it. These are large facilities," he said. "They have large infrastructure and they require investment."

He added, "It becomes a circular problem. We can't invest in the facilities because we don't want to increase the LSI in order to make the contracts more competitive. And that circle continues and I think we need to find a way collectively to break that cycle and, from time to time, embracing additional LSI may be in the best interests of both parties."

Ranking subcommittee Democrat Rep. Brenda Lawrence (D-Mich.) sympathized with the concessioners. "These challenges (facing concessioners) include a rigid contracting process, contracts that produce negative cash flow for vendors. Although the Park Service has made great improvements in its contracting services in recent years, more work is needed and more work should be done. We can always work to improve the contracting system with greater cooperation between the government and industry."

The problems are not theoretical. LSI expenses are plaguing the Park Service's attempt to obtain a contractor for the concessions at Grand Canyon National Park.

The present concessioner, Xanterra Parks & Resorts, sued NPS on Oct. 8, 2014, because a prospectus for a renewed contract demanded bidders pay more than \$150 million for LSI. To offset the \$150 million NPS would greatly increase franchise fees.

NPS has since decided to reduce the LSI to \$57 million and to make up the difference from Park Service revenues. The park has yet to receive a bid on a new Grand Canyon contract, so in December it extended Xanterra's contract for another year.

Christopher Belland, CEO of Historic Tours of America, Inc., said ten-year contracts don't suffice. "To get somebody to invest in these properties they have to be assured of two things: (a) they are going to have enough time to amortize those costs and (b) there are going to be some profits involved to justify the risk. I think that comes back to what I said before about rewarding the good efforts of your concessioners with contract extensions and to give them time and flexibility to change their business models."

On the same day as the concessions hearing, July 23, the counselor to the National Park Hospitality Association, Derrick Crandall, urged a separate House subcommittee to authorize longer contracts. He told the House subcommittee on Federal lands that the nation's ski resorts - most of which are on public land - obtain contracts for 40 year or more.

"Similar-length terms for park concessions contracts would produce the needed investment in our lodges and other structures and open the door to another tool: historic investment tax credits," he said.

Concessioners hope that the chairman of the federal lands subcommittee, Rep. Tom McClintock (R-Calif.), will develop comprehensive legislation in anticipation of the Park Service Centennial in 2016, with concessions reform included.

However, McClintock took the Park Service to task at his hearing. He complained that NPS policies actively discourage visitation rather than encourage it.

The Park Service concessions program is big business. The program hosts some 500 contracts in more than 100 park units. NPS's McDowall said concessioners' gross receipts have increased by five percent over the last decade, from \$804.8 million in 2004 to \$1.3 billion last year.

Over the same decade franchise fees paid by concessioners increased at a higher rate of 12 percent, from \$27.6

million in 2004 to \$85.4 million in 2014, she said.

At the House Government Oversight hearing Lummis complained that the Park Service was not doing enough to increase visitation to the national parks. "Our national parks and concessioners must keep up with the times," she said.

"Younger visitors and contemporary families want access to tech communities such as Internet access and WiFi. They want comfortable and modern places to stay. Concessioners want to provide these services and we in Congress and the National Park Service need to make sure they are able to offer these things. More visitors with more services results in more money for concessioners and more money for the National Park Service."

Congress works on big roads bill, settles for extension

Congress extended for the umpteenth time July 30 an existing surface transportation law just as the Senate was making significant progress toward fashioning a six-year replacement bill.

In addition the House Transportation Committee is expected to produce a multi-year, counterpart bill in September.

For now though Congress extended the existing law, Moving Ahead for Progress in the 21st Century Act (MAP-21), for three months, through October 29 (PL 114-41 of July 31.)

Said House Transportation Committee Chairman Bill Shuster (R-Pa.), "This legislation continues to fund road, bridge, and other infrastructure improvements for America while providing the House time to put forward a fiscally responsible long-term surface transportation proposal when Congress returns and then go to conference with the Senate."

That is easier said than done because Congress is headed for a quadruple witching hour in September and

October. The House and Senate must pass a surface transportation bill; they must pass appropriations bills; they will be asked to increase the debt ceiling; and they will be asked to approve an extension of a group of tax breaks.

On signing the three-month extension law President Obama lashed out at Congress for not presenting him with a multi-year bill. "(W)e have now made it a habit where instead of five-year funding plans for transportation, instead of long-term approaches where we can actually strategize on what are the most important infrastructure projects (Congress passes extensions)," he said.

"Instead, we operate as if we're hand-to-mouth three months at a time, which freezes a lot of construction, which makes people uncertain, which leads to businesses not being willing to hire because they don't have any long-term certainty. It's a bad way for the U.S. government to do business," he concluded.

As noted, in addition to the temporary extension, the Senate July 30 separately approved a six-year surface transportation bill (HR 22) that would retain a base park and rec program known as the Transportation Alternative Program (TAP). The vote was 65-to-34.

In passing HR 22 the Senate did NOT consider an amendment (SA 2280) from Sen. Mike Lee (R-Utah) that would eliminate the \$860 million per year for TAP. The program feeds money to such individual programs as recreational trails, Safe Routes to Schools and transportation enhancements.

(HR 22 is technically the Hire More Heroes Act, which the House approved January 6. The Senate is using it as a vehicle to move a surface transportation bill.)

Through a mix of financing schemes the Senate would fully fund HR 22 through the next three fiscal years. The short-term extension would take \$8 billion from the general fund.

There was significant criticism of the funding mechanism in HR 22;

for instance, Senate Energy Committee Chairman Lisa Murkowski (R-Alaska) objected to selling off \$9 billion worth of oil from the Strategic Petroleum Reserve. That reserve provides a back-up source of oil for the country in the event of a national energy crisis.

Although the Obama administration has not officially weighed in on the six-year bill, Secretary of Transportation Anthony Foxx said he was troubled by some safety provisions in the measure.

The American Association of State Highway and Transportation Officials praised the Senate for its six-year bill. The association's executive director Bud Wright said, "The potential for a long-term authorization is encouraging and we look forward to working with Congress and the Administration to make that happen, before time runs out yet again."

The Senate Environment and Public Works Committee (EPW) June 24 developed the bones for the six-year bill called the Developing a Reliable and Innovative Vision for the Economy Act, or DRIVE Act. That bill was then fleshed out with legislative contributions from the Senate Finance Committee (the money committee), the Senate Commerce Committee and the Senate Homeland Security Committee.

One relevant contentious issue in the Senate bill has sprung up involving the protection of historic sites. HR 22 would lessen consultation requirements with federal and state agencies over the possible impact of highway projects on historic properties. Instead of obtaining detailed approvals of agencies, the new bill would simply require consultation.

The National Trust for Historic Preservation told its members July 21, "Now, the Senate is poised to consider a transportation reauthorization bill that includes a major attack on the section 4(f) requirement to minimize harm to historic sites, leaving our historic resources vulnerable to ill-advised and poorly planned transportation projects."

Caught in the middle of the House

and Senate negotiations over the larger bill are recreation programs. On the upside HR 22 would retain TAP. In total for TAP the bill would allocate \$850 million per year for the next six years. On the down side Sen. Lee would eliminate TAP.

For the other park and rec half of traditional surface transportation laws - federal lands roads - the Senate bill would allocate \$560 million for fiscal year 2016, broken down as follows: \$305 million for federal land roads, with \$240 million of that set aside for the National Park Service and \$30 million for the Fish and Wildlife Service (FWS). A federal lands access program would receive an additional \$255 million for major projects.

By fiscal 2021 the DRIVE Act would increase the ante for Federal Lands Roads to \$330 million, with the same set-asides for NPS and FWS, and \$280 million for access.

Administration takes Youth Outdoors to three cities

The Interior Department has joined a campaign financed by American Express Company to encourage young people to get outdoors.

The campaign, tangentially linked to the Park Service Centennial in 2016, will use a \$5 million contribution from American Express to get kids outdoors and to line up volunteers for the Centennial.

On July 28 Secretary of Interior Sally Jewell kicked off the campaign with Chicago Mayor Rahm Emanuel to launch the program in his city. On July 31 Jewell joined Philadelphia Mayor Michael A. Nutter to launch the program in his city. On August 6 she met with Salt Lake City Mayor Ralph Becker to launch the program in his city.

Study after study has shown that domestic visitors to the national parks are proportionately older, white Americans. The Park Service and the Obama administration have taken due notice and have proposed several

initiatives to entice younger people and minorities to the parks.

One such program proposed by the administration in a fiscal year 2016 budget request would have the government directly attempt to bring the nation's youth to the public lands. The administration laid out a multi-headed plan that would include a new, \$20 million appropriation to convey one million fourth-grade, low-income children to the national parks.

Congress is aware of the problem. At a July 23 hearing of the House Government Oversight Committee's subcommittee on Interior chairman Cynthia Lummis (R-Wyo.) complained that the Park Service was not doing enough to increase youthful visitation to the national parks.

"Our national parks and concessioners must keep up with the times," she said. "Younger visitors and contemporary families want access to tech communities such as Internet access and WiFi. They want comfortable and modern places to stay."

On the not-so-youthful front an organization established by Congress to promote foreign visitation to the United States, Brand USA, has selected the 77 year-old Robert Redford to narrate an upcoming movie on the national parks.

The organization has titled the move "National Parks Adventure." The film is designed to celebrate the national parks. The producers sent four film crews into 30 national parks over nine months. The film will begin showing in IMAX theatres in February.

Said film director Greg MacGillivray, "There are 407 national parks in our country that many families have not been able to explore. Our hope is that 'National Parks Adventure' will encourage our audiences to discover the beauty and sanctuary of these American treasures."

Inviting youth to the parks is a central plank of a Park Service program to celebrate the Centennial next year. In a fiscal 2016 budget request the

administration recommended a significant \$859 million for the Centennial.

The Interior Department said the request includes \$559.1 million of appropriated money and \$300 million from mandatory funding.

The House Appropriations Committee June 16 approved an extra \$60 million for the Park Service in anticipation of the Centennial in 2016 as part of a fiscal year 2016 money bill (HR 2822).

Of that, \$20 million would be used as a Centennial Challenge program that would have nonfederal partners match appropriations dollar-for-dollar. However, the administration budget request recommended \$100 million for a Centennial Challenge program in fiscal 2016.

The Senate Appropriations Committee approved its version of a fiscal 2016 appropriations bill (S 1645) June 18 with an extra \$61 million for the Park Service Centennial, with \$10 million for the Centennial Challenge.

The House and Senate numbers were low enough that Sen. Tom Udall (D-N.M.) said S 1645 would come up \$242 million short of the Obama administration's Centennial recommendation.

DoE and NPS outline plan to manage Manhattan Project

The Park Service and the Department of Energy July 28 published a draft memo that would guide the delicate business of parsing out who does what in overseeing a Manhattan Project National Historical Park.

Under the proposal NPS would write a management plan for the three-site park and be responsible for protecting historic resources. The Department of Energy would protect all "sites, structures, and landscapes included in the Park," while retaining ownership of all sites.

The memo carries out a provision of an omnibus public lands bill (PL 113-291 of Dec. 19, 2014) that ordered the

establishment of a Manhattan Project National Historical Park to commemorate the development of the Atomic Bomb.

The park would be located in three areas that played crucial roles in developing the bomb - Los Alamos, N.M.; Oak Ridge, Tenn.; and Hanford, Wash.

All three cities vied to host the superintendent and his or her staff, but NPS said Denver, Colo., will likely be the headquarters site, perhaps avoiding an unpleasant competition among the cities.

However, the Park Service said it will place a site manager in each of the three cities where the bomb was developed with similar levels of staffing at each location. The managers will of course report to the superintendent.

NPS said the brief memorandum of agreement (only eight pages) is just the beginning of the planning for the park. Said NPS, "The agreement will not include details about the park's interpretive themes, visitor contact stations, staffing, management, or specifics about what eligible properties outside the Department of Energy properties should be included in the park. Those issues will be addressed in future phases of the planning efforts."

For now NPS and the Department of Energy are carrying out a charge from Congress to complete the memorandum of agreement by December 19, at which time the park will be formally established.

Former House Natural Resources Committee Chairman Doc Hastings (R-Wash.) and Sen. Maria Cantwell (D-Wash.) were the lead sponsors of the legislation that led to the approval of the site by Congress.

Legislation to commemorate the Atomic Bomb is not without controversy. Some liberal Democrats object to memorializing weapons of mass destruction. And some conservative Republicans are leery of spending the \$21 million the Congressional Budget Office estimates it would cost the Park Service to manage the site over 15 years.

NPS will take comments on the proposed memorandum until August 28 at: <http://parkplanning.nps.gov/MPNHP> and at this mailing address: *NPS Denver Service Center, Attn: Tracy Atkins, Project Manager, Manhattan Project National Historical Park, P.O. Box 25287 Denver, CO 80225-0287.*

The draft memo is at: http://www.atomicheritage.org/sites/default/files/MPNHP_DraftMOA_July2015.pdf

Multi-provision sportsmen's bill reintroduced in House

Congress is being asked again this year to approve packages of a dozen or so bits of legislation to enhance hunting and fishing opportunities around the country.

Several packages of legislation have been introduced in both the House and Senate that would do such things as declare public lands open to hunting and fishing unless specifically closed by a land management agency and reauthorize the Federal Land Transaction Facilitation Act (FLTFA).

Most recently, seven House members from both political parties in late July introduced legislation (HR 3173) that includes the FLTFA provision. It also includes a provision requiring at least 1.5 percent of annual Land and Water Conservation Fund money be used to secure access to public lands for hunting, fishing and other recreational uses.

Said Rep. Tim Walz (D-Minn.), a chief sponsor of HR 3173, "This commonsense bill works to push forward a number of key conservation priorities, which have proven to be effective and enjoy broad support amongst the millions of men and women who comprise the outdoor recreational community."

Sportsmen back the Walz bill, as they do several other bills containing more than a dozen provisions abetting hunting and fishing. "The sportsmen's community can stand squarely behind this bill as a great step forward in protecting our ability to fund and

implement the conservation of at-risk habitats, species, and access," said Whit Fosburgh, president of the Theodore Roosevelt Conservation Partnership. "It's a good example of bipartisan legislation that addresses the needs of America's hunters and anglers, and we'd like to see a lot more of that consensus."

Other lead sponsors include Republican Reps. Rob Wittman (R-Va.) and Jeff Duncan (R-S.C.) and Democratic Rep. Gene Green (D-Texas).

Similar packages of legislation have been introduced in the last three Congresses. In early February three Republican and three Democratic senators introduced an omnibus public lands sportsmen's bill (S 405) with 14 separate provisions, including FLTFA.

Lead sponsor Sen. Lisa Murkowski (R-Alaska) and her three cosponsors talked optimistically of securing final passage for the package that has now been introduced in the last three Congresses.

"My hope is that the third time is going to be the charm for this sportsmen's legislation," said Murkowski. "It is important to us, it is important to our economy, and it is an issue, which I am certainly willing to take aim at. Sorry for the pun."

A third sportsmen's bill (HR 2406) was introduced in the House May 19. It includes most of the provisions included in the Senate bill, including FLTFA. Rep. Wittman is the lead sponsor of HR 2406, as well.

Like Murkowski, Wittman holds ambitions for his bill. "This bipartisan legislation is full of important initiatives that facilitate access to outdoor sporting activities and uphold the values and traditions celebrated by sportsmen and women across the United States," he said.

"I am eager to continue working with my colleagues on the Congressional Sportsmen's Caucus and in the House of Representatives to continue moving this

meaningful bill forward on behalf of America's hunters and anglers."

Gohmert: Federal law officers don't cooperate w/locals

Rep. Louie Gohmert (R-Texas) charged July 28 that, in general, federal law enforcement officials do not work well with local law officials. And with local landowners.

Gohmert, chair of the House Oversight subcommittee, which held a hearing on federal agency abuse, first described a series of confrontations between local Utah officials and Bureau of Land Management (BLM) special agent Don Love.

Then he said, "We could easily conclude that this is just one rogue officer and he will be dealt with. But that isn't the case. We have a system that allows this to continue. These accountability issues will remain unchanged and repeated."

Gohmert singled out for criticism a Forest Service structure that places law enforcement under the supervision of the chief of the service, rather than under regional or local officials. He called that policy stovepiping.

"Once we come to a better understanding of how these problems have been allowed to persist we can move to suitable correction of them," he said. "Something in the implementation of this 'stovepipe' authority is spoiling responsible, effective and accurate performance."

But a representative of federal law enforcement officials said the feds are often the victims of abuse, not the perpetrators. Christopher Schoppmeyer, vice president for agency affairs of the Federal Law Enforcement Officers Association, said that too often federal agency police are attacked and threatened.

"While it may be politically popular or advantageous to show law enforcement in a negative light, every time this occurs it adds fuel to an

unjustified fire that leads society's weakest minds down a dangerous path," he said. "These weak minds identify with messages of false tyranny and other hateful rhetoric and it provokes them to assault or kill officers for nothing more reason that what they chose to do as a profession - helping their community and their country."

Rep. Debbie Dingell (D-Mich.), ranking minority member of the subcommittee, defended federal law enforcement officers, noting that they must deal with "Satanic cults, survivalists, militias and supremacy groups."

She said, "These groups are tough. (Federal land enforcement agencies) protect the resources we depend on every day and provide for public safety. While the work these officers do is unique these officers and the work they do are under attack."

As for stovepiping she said, "I learned last night it was instituted (in 1993) after years of pressure from watchdogs in Congress and was implemented to make Forest Service law enforcement more efficient, fair and independent."

The environmental group Public Employees for Environmental Responsibility (PEER) said that in the national parks fewer law enforcement officers are being called on to cope with an increase in visitors. PEER said NPS statistics indicate the number of permanent law enforcement officers in the National Park Service had decreased by nearly 14 percent over the last decade.

PEER said in 2005 NPS had 1,548 law enforcement officers but last year that had decreased to 1,322.

"The Park Service not only has a huge maintenance deficit but it is building a sizeable public safety deficit as well," said PEER Executive Director Jeff Ruch, "This myopic drive for more and more visitation threatens to outstrip the capacity of both the parks and their shrinking ranger corps."

A representative of the Western

States Sheriffs' Association called for elimination of stovepiping in the Forest Service. Dave Brown, sheriff of Skamania County, Wash., submitted testimony that recommended:

"Eliminate the stovepipe structure of the USFS LE&I. Reestablish the operational structure that inserts the Special Agent in Charge (SAC) back under the supervision and direction of the Regional Forester. At the same time, put the LEOs (law enforcement officers) back into the command structure of the local district ranger. By reintegrating the SAC and the LEOs into the regional and local structure, there will be a greater opportunity to reconnect USFS law enforcement with the county Sheriff and create the necessary local focus in order to conduct the important work of protecting our treasured National Forests."

No administration witness appeared at the House hearing. Said Gohmert, "At some point we will welcome input from the administration but it is my understanding that they were unwilling to send representatives from the subagencies we requested."

The hearing comes against a backdrop of a famous confrontation between Nevada rancher Cliven Bundy and BLM. The dispute peaked on April 12, 2014, when bureau officials attempted to confiscate 100 head of allegedly trespassing cattle. They were met by hundreds of protestors, some of them armed. BLM said Bundy had not paid grazing fees and no longer held a grazing permit.

After mediation by Clark County Sheriff Doug Gillespie, BLM released the cattle. No shots were fired.

Notes

GOP attacks Biscayne plan.

House Republicans August 3 criticized a new management plan for Biscayne National Park that includes a no-fishing, reef-protection zone long opposed by the State of Florida. On completion of the plan June 5 NPS said that the Florida Fish and Wildlife

Conservation Commission (FWC) agreed to the protective zone. A Fisheries Management Plan drawn up by NPS and the state in July 2014 opened the way for the designation of the no-fishing marine reserve. And the park said the plan fits within the "framework of the memorandum of understanding." But House Natural Resources Committee Chairman Rob Bishop (R-Utah) begged to differ. "Today we heard first-hand accounts from Florida's Fish and Wildlife Conservation Commission, local fishermen and businesses on the National Park Service's draconian plan to close a third of the Biscayne National Park's reefs from fishing," said Bishop. "The National Park Service set up local management advisory groups on Biscayne National Park - and then ignored the recommendations. The State of Florida's input on the plan was rebuffed. This is not the way to run a National Park System." He cited a letter from three House members from Florida that said, "The FMP and GMP, as written, would have immediate, extensive, and negative socio-economic impacts in the affected area with an estimated loss of more than 500 boat-related jobs and over \$40 million in product revenue with turnover." The three House members are Reps. Carlos Curbelo (R-Fla.), Ileana Ros-Lehtinen (R-Fla.) and Mario Diaz-Balart (R-Fla.) The National Parks Conservation Association (NPCA) praised the park for designating the no-fishing reserve. "Although the marine reserve only covers a small portion of the park, it will have a big impact on the health of Biscayne," said Caroline McLaughlin, Biscayne program analyst NPCA. On June 5 NPS completed both the management plan and a supporting EIS that would set aside a 10,052-acre marine reserve zone to protect fragile reefs in the park's waters just off the city of Miami. And the preferred alternative in the plan/EIS would allow multiple uses in 148,358 acres of the park's waters; that is 85 percent of them.

Sportsmen oppose land disposal.

Hunters and fishermen continue to try to stop in its tracks a House and Senate Republican effort to dispose of federal lands. The Theodore Roosevelt Conservation Partnership (TRCP) said

recently that hunters and fishermen have submitted some 175,000 letters to local, state and federal legislators in opposition to the transfer of federal lands to states. "There can be no mistaking the position of hunters and anglers on the issue of federal lands transfer, the threat of which is very real," said Whit Fosburgh, president of TRCP. "We remain focused on crafting real solutions for improving federal land management, but we won't hesitate to amplify the near-unanimous outcry from sportsmen and women opposed to the bad idea of offloading federal lands." The House and Senate both adopted positions in March in Congressional budgets endorsing the disposal of federal lands to state and local governments. The houses acted in the passage of fiscal year 2016 Congressional budgets that the House approved March 25 (H Con Res 27) and the Senate approved March 27 (S Con Res 11). Those positions are advisory to line committees that would still have to move additional legislation to actually authorize any land transfers. Separately, western states led by Utah have approved legislation demanding the transfer of millions of acres of public lands to the states.

Idaho backcountry bill passed.

The Senate gave final approval August 4 to legislation (HR 1138) that would protect hundreds of thousands of acres in central Idaho. The House had approved the 10-year old bill from Rep. Mike Simpson (R-Idaho) July 27. On July 30 the Senate Energy Committee approved a Senate version of the bill from Sen. Mike Crapo (R-Idaho). Then on August 4 the Senate accepted the House version. The measure would designate 275,000 acres of wilderness in the Salmon-Challis National Forests and an East Fork area managed by the Bureau of Land Management. Simpson said his bill would close no roads currently open to two-wheeled motorized use and would close no areas open to mountain bikes outside the wilderness. Simpson has proposed various iterations of the legislation since 2004. Now he is optimistic. "I am extremely optimistic that we will continue to move this legislation forward to become law," he said. Said

Sen. Jim Risch (R-Idaho) on the Senate floor, "These are some of the most magnificent pieces of land, not only in Idaho but in the United States. Before anyone goes abroad to see the Champs-Elysees or to see the magnificent works of art in Italy, you need to put on your list seeing the Boulder-White Clouds area. It is truly a magnificent area."

NPCA: Parks air needs help. In a major new [analysis](#), the National Parks Conservation Association (NPCA) says the majority of the 48 Class 1 national parks have air that is unhealthy. And NPCA says in those parks the average amount of haze limits the visibility visitors should have by half. NPCA says the main culprit is the lack of enforcement of the Regional Haze Rule of the Clean Air Act. It directs EPA, with the cooperation of the states, with reducing visibility over Class I national parks (48 of the main ones) and 108 wilderness areas managed by NPS and other agencies. NPCA says states have not prepared effective plans under the rule, allowing polluters such as coal-fired power plant to sully the air. Says the NPCA report, "The rule doesn't clearly lay out what pollution reduction options states need to consider or how they need to be weighed. So states can claim that reducing pollution is just too challenging while ignoring commonsense opportunities for progress. Flexibilities in the rule allow kicking deadlines down the road for generations to come." If the link above doesn't work, the report is available at: <http://www.npca.org/assets/pdf/NPCA-Polluted-Parks-July-2015.pdf>.

Fires rage but there is hope. As forecast, the wildfire season of the summer of 2015 has been a hot one. And as forecast the Forest Service may run out of fire-fighting money later this year and have to borrow from line operations. Forest Service Chief Tom Tidwell laid down the marker in May when he told the Senate agency fire-fighting costs above \$1.225 billion would cause fire borrowing. And he said the agency's estimate as of May 5 was costs up to \$1.657 billion, meaning potential borrowing of up to \$432 million. We asked the service last week where those

projections stand and a spokeswoman said the estimates are trending toward the upper end of costs. "As of (July 28), the U.S. Forest Service has spent \$554 million on fire suppression. The agency's fiscal year 2015 budget for fire suppression is \$1.01 billion (\$708 million in the suppression account and \$303 million in the flame account)," said service spokeswoman Jennifer Jones of the National Interagency Fire Center (NIFC). Meanwhile, the center said that acres burned in the country thus far this year already exceed acres burned in every one of the last ten years except for 2011. More than 5.6 million acres have burned in 2014 compared to just over 6 million in 2011. NIFC said that the weather has actually helped out a little this summer and may help out next year. "July precipitation across the western contiguous U.S. was not only greater than usual but also came more frequently than is typical," Jones said. "These moisture inputs had a significant impact on both live and dead fuel moistures, reducing the potential for significant fires across the west."

BLM: FS supervisor to head NLCS. The Bureau of Land Management (BLM) last week selected North Carolina National Forests Supervisor Kristin Bail to manage the 30 million acres included in BLM's National Landscape Conservation System, now called the National Conservation Lands program. Bail has more than 30 years of public land management service, including previous stints with BLM.

Nunes concerned about monuments. Rep. Devin Nunes (R-Calif.) July 29 reintroduced his legislation (HR 3389) to require Congressional approval of a national monument. HR 3389 is one of a flock of bills that have been introduced in this Congress to require a President to obtain the approval of either Congress or a state before designating a national monument on federal land under the Antiquities Act of 1906. President Obama has been active recently in designating monuments, having established three more July 9 - a 704,000-acre Basin and Range National Monument in southern Nevada, a 330,780-acre Berryessa Snow Mountain National Monument in northern California, and a

five-acre Waco Mammoth National Monument in Waco, Texas.

Boxscore of legislation

Fiscal year 2016 appropriations

HR 2822 (Calvert), S 1645 (Murkowski). House approved July 9. Senate committee approved June 18. Both would retain spending levels. Senate committee would take PILT and some fire costs out of bill. House committee would not. Lots of riders in both bills.

Appropriations Fiscal 2016 Energy and Water

HR 2208 (Simpson). House approved May 1. Senate committee reported May 21. Would provide mild increase for Corps, mild decrease for Bureau of Reclamation. House would block EPA/Corps wetlands rule.

Appropriations Fiscal 2016

Transportation

HR 2577 (Diaz-Balart). House approved June 9. Senate subcommittee approved June 23. Would roughly maintain surface transportation spending at fiscal 2015 levels.

Fiscal year 2016 budget

H Con Res 27 (Price), S Con Res 11 (Enzi). House approved April 30. Senate approved May 5. Would freeze spending. Senate recommends line committee action on NPS Centennial, LWCF, fire, PILT.

Land and Water Conservation Fund

S 338 (Burr), S 890 (Cantwell), HR 1814 (Grijalva), Unnumbered (Murkowski), S 1925 (Heinrich). Senate hearing April 22. Grijalva introduced April 15. Senate committee approved unnumbered Murkowski bill July 30. Heinrich introduced August 4. All would extend program at \$900 million per year in perpetuity. S 890 and HR 1814 would guarantee the money each year.

Urban park fund

HR 201 (Sires). Sires introduced January 7. Would authorize HUD grants and HUD loans to provide assistance to urban parks.

Federal land recreation fees

HR 1991 (Bishop), HR 2822 (Calvert),

S 1645 (Murkowski). House committee approved April 29. Bishop would extend existing law year through Sept. 30, 2017. Calvert and Murkowski included extension in fiscal 2016 appropriations bill (above.)

Emergency fire spending

HR 167 (Simpson), S 235 (Wyden), S 508 (McCain), S 1645 (Murkowski), HR 2647 (Westerman). Simpson introduced January 6. Wyden introduced January 22. McCain introduced February 12. Senate committee approved S 1645 June 18. House approved HR 2647. All would shift emergency fire fighting costs out of line appropriations and into disaster spending. McCain would also increase timber harvests.

Monument restrictions

HR 330 (Young), HR 488 (Amodei), S 437 (Murkowski), HR 900 (Labrador), S 228 (Crapo). Young introduced January 13. Amodei introduced January 22. Murkowski introduced February 10. Labrador introduced February 11. Crapo introduced January 21. All would require Congressional or state approval of national monuments.

Wetlands regulations

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

Surface transportation

S 1647 (Inhofe), HR 680 (Blumenauer), HR 2410 (DeFazio), HR 2595 (Norton), HR 2609 (Sam Johnson), HR 22 (Davis). Senate committee approved S 1647 June 24. Blumenauer introduced February 3. Norton introduced June 1. Johnson introduced June 2. House approved HR 22 (substitute for S 1647) July 30. Inhofe would revise law for next six years. Blumenauer would increase the gasoline tax to help pay for surface transportation programs. DeFazio would implement Obama administration recommendations. Norton would increase payments for NPS roads. Johnson would eliminate Transportation Alternatives Program.