

# Federal Parks & Recreation

Editor: James B. Coffin

Subscription Services: Gerrie Castaldo

Volume 31 Number 24, December 13, 2013

In this issue. . .

**Budget agreement almost finished.**

*House and Senate approval said to be imminent. Would add \$45B to fiscal 2014 spending cap. Now appropriators have almost no time to complete money bills..... Page 1*

**Park and rec in for BP Gulf aid.**

*Proposed recovery plan would set aside \$627M to help five states restore natural resources. Park and rec down for \$230M..... Page 4*

**FLREA rewrite proposals differ.**

*Public lands advocacy groups split with fee payers on what next law should look like. Former would increase fees.. Page 5*

**Blumenauer calls for gas tax hike.**

*Bicycling's best friend puts in bill to almost double Highway Trust Fund. Is opposition.. Page 7*

**Time running out on Farm Bill.**

*Conference committee hadn't agreed at press time. Vilsack promotes conservation part.. Page 8*

**Murkowski calls for LWCF shift.**

*Renews recommendation some of money be used for repairs... Page 9*

**NPS retracts 'fracking' comments.**

*Jarvis acts after Rep. Bishop objects to NPS position..... Page 11*

**House panel approves state NPS aid.**

*Bill would pay states for keeping parks open during shutdown.. Page 12*

**Notes..... Page 13**

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

## Final budget deal would add \$45B to FY 2014 spending

The House and Senate were nearing completion of a modest budget agreement at press time that would open the way for appropriations bills, not only for fiscal year 2014 but also for fiscal 2015.

The House approved the budget November 12 and the Senate was expected to follow suit soon.

The lateness of a deal cut by a House-Senate conference committee December 10 gives appropriators almost no time to fashion full-year fiscal 2014 appropriations bills before a January 15 deadline. So appropriators are expected to simply extend fiscal 2013 levels through fiscal 2014 adjusted by the top line cap the conference committee developed.

However, appropriations chiefs said they would give their best shots to completing money bills by January 15. Said House Appropriations Committee Chairman Hal Rogers (R-Ky.), "We have a huge challenge ahead of us - we must craft legislation funding the entirety of the federal government in just one month. However, I know my colleagues on the House and Senate Appropriations Committees are up to the task, and I'm optimistic that we can reach a mutually acceptable deal in a timely fashion."

Said his Senate Appropriations Committee counterpart Barbara Mikulski, "As Chairwoman of the Appropriations Committee, I support this agreement because it avoids sequester for two years. This means we can fund the operations of government through regular, annual appropriations bills, instead of through last minute, stop-gap bills that put the government on autopilot."

The end result will be slightly more domestic spending than in fiscal 2013 when an \$85 billion sequestration was applied. The projected sequestration for fiscal 2014 under a 2001 Budget Control Act was \$109 billion. The conferees proposed to take \$45 billion out of that, reducing the total fiscal 2014 sequestration to \$40 billion.

For park and rec programs the agreement promises slightly more money than in fiscal 2013 but somewhat less money than in fiscal 2012. Altogether the agreement would set a fiscal 2014 spending cap for appropriators of \$1.015 trillion to cover all 12 appropriations bills. Going in to the conference the House had recommended a \$967 billion cap and the Senate \$1.058 trillion. The budget would set aside a little more than half the allocation for defense programs and a little less than half for domestic programs.

National Park System advocates said the budget agreement represented a small step toward adequate funding, but only a small step. "Today's budget agreement, though far from perfect, is much better than maintaining the full sequester levels this year and next, and likely will result in reinstating some rangers who were cut due to the sequester," said Craig Obey, National Parks Conservation Association senior vice president of government affairs.

"However, our parks likely will continue to lack the ability to restore all the rangers they lost to the sequester and other cuts, and closed signs are likely to remain at park facilities – part and parcel of a slow motion shutdown for our national parks that cannot be sustained without irreparable damage," he said.

The interim law that set up the budget conference approved appropriations government-wide through Jan. 15, 2014. Appropriators in early January are expected to either write a continuing resolution to cover spending throughout the year (a likely scenario), write individual spending bills for the entire year (not a likely scenario) or simply extend the interim bill for

another month or so to provide time to write either a continuing resolution or appropriations bills.

The House plans to adjourn/recess for the Christmas holidays today, December 13, and the Senate in a week on December 20. However, appropriations subcommittee and committee staff members are expected to work through the holidays.

The budget agreement, under principal architects Rep. Paul Ryan (R-Wis.), chairman of the House Budget Committee, and Sen. Patty Murray (D-Wash.), chair of the Senate Budget Committee, would trim spending and increase revenues from a group of programs to reduce the sequestration.

Those reductions and increases would come from a series of program only indirectly related to the outdoors, such as a reduction in federal government contributions to federal employee retirements and the sale of broadcast spectrums.

One minor provision would affect outdoor programs minimally – a fee that would be charged by the Natural Resources Conservation Service for technical service on conservation plans. The provision would limit the fee to no more than \$150 per project.

Not only would the budget agreement settle overall spending for fiscal 2014, as Mikulski noted, but it would also do the same for fiscal 2015. So appropriators should know next spring and summer how much money they will have for the fiscal 2015 appropriations bills.

House and Senate appropriators had

---

#### **Holiday Publishing Schedule for Federal Parks & Rec**

*Federal Parks & Recreation* will not be published over the holidays so that we may take a brief vacation. The next issue of *Federal Parks & Recreation*, Volume 32 Number 1, will be published January 10, 2014. If news breaks over the holidays, we will E-mail you a Breaking News Bulletin.

---

made stabs this summer at writing fiscal 2014 appropriations bills. In general House Republicans had recommended major reductions in spending, including some large decreases for park and rec programs. Senate Democrats on the other hand had recommended level or even higher spending for park and rec programs.

For the Interior Department and Related Agencies a House subcommittee approved a bill July 23. In the Senate leaders of the Senate Interior and Related Agencies Appropriations subcommittee in early August published a draft spending bill. The Senate leaders would appropriate \$5.9 billion more than the \$24.3 billion recommended by the House subcommittee. The Senate subcommittee would spend \$30.2 billion.

Sportsmen are recommending that appropriators adopt the Senate cap for an Interior bill. "Conservation funding must be prioritized in these negotiations. Sportsmen are united in supporting a \$30 billion allocation for the Interior, Environment and Related Agencies appropriations bill for fiscal year 2014," said Theodore Roosevelt Conservation Partnership President Whit Fosburgh.

**The numbers:** Here are some of the fiscal 2014 proposals in the two bills compared to fiscal 2013, but not counting 5.5 percent across-the-board sequestrations in fiscal 2013. We also have not included riders because appropriators will probably not have time to write spending bills with riders.

*LWCF FEDERAL:* Senate draft, \$225 million; House subcommittee, zero; fiscal 2013, \$186 million.

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

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

*URBAN PARKS AND RECREATION RECOVERY:* Senate draft, \$10 million;

House subcommittee, zero; fiscal 2013, zero.

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

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

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

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

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

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

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

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

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

*WILDLIFE REFUGE SYSTEM:* Senate draft, \$484 million; fiscal 2013 \$478 million. House not broken out.

Three other outdoor-related appropriations bill also remain to be completed. They are

**Transportation:** Old House cap, \$44.1 billion. Old Senate cap, \$54 billion. The House Appropriations Committee approved its bill (HR 2610) June 27 with \$44.1 billion in discretionary spending, or \$7.7 billion

below the fiscal 2013 level. And it is \$4.4 billion below the fiscal 2013 level counting sequestration.

The Senate Appropriations Committee approved its bill July 24 with \$54 billion. The Senate panel is far more generous to rail and mass transit than the House. Also the House committee would reduce spending for the Department of Housing and Urban Development, which is included in the Transportation bill.

**Energy and water:** Old House cap, \$30.4 billion. Old Senate cap, \$34.8 billion. The House approved its bill (HR 2609) July 10 with \$4.9 billion for the Army Corps of Engineers, a decrease of \$104 million below the fiscal year 2013 enacted level. It is also \$700 million below the fiscal 2013 level when sequestration is counted in.

The Senate Appropriations Committee approved its energy and water bill (S 1245) June 27 with \$34.8 billion.

**Agriculture:** Old House cap, \$19.5 billion. Old Senate cap, \$20.9 billion. The House Appropriations Committee approved its bill (HR 2410) June 13 with \$19.5 billion, or \$1.4 billion below the fiscal 2013 level before sequestration and about on a par with fiscal 2013 counting sequestration. The measure was pending on the House floor at press time.

The Senate Appropriations Committee approved its bill (S 1244) June 20 with \$20.9 billion.

## **Trustees recommend big money for Gulf oil spill projects**

Federal, state and local park and recreation areas would receive tens of millions of dollars in restoration grants from a proposed Deepwater Horizon recovery plan announced December 6.

The Natural Resources Damage Assessment Trustees, assembled to allocate recovery money after the April 2010 oil spill, proposed to distribute a total of \$627 million to restore natural resources in the Gulf. The \$627 million

is part of a \$1 billion fund that BP Exploration and Production Inc. has agreed to establish to pay for early natural resources restoration projects.

The trustees said that \$230 million of the \$627 million would be used for recreation projects; the other \$397 million would be used for ecological projects. Although the trustees are picking and choosing restoration projects, the Department of the Interior is the lead agency in writing a programmatic EIS to cover the spending plan. The department is one of the trustees.

Gulf State Park in Alabama would receive the largest single park and rec apportionment, \$85.5 million. The park in the city of Gulf Shores extends over 6,150 acres and includes two miles of sand beaches and the largest fishing pier in the Gulf of Mexico.

On the federal side Gulf Islands National Seashore in Florida would receive a significant grant, about \$15 million for a beach reinforcement project (\$10.8 million) and a ferry project (\$4 million).

The Interior Department described the two Gulf Islands seashore projects this way: "The first project will remove road bed and asphalt fragments scattered by severe storms occurring over the past two decades along 11 miles of beach and dune habitats. Native dune vegetation will be planted to restore injured dune habitat. The second project will fund the purchase of two passenger ferry boats that will improve access to the park by providing trips between the park's Fort Pickens, downtown Pensacola, and Quietwater Beach in Pensacola Beach."

The trustees proposed an even larger allocation of \$72 million for Breton Island National Wildlife Refuge on a barrier island off the coast of Louisiana. Said Secretary of Interior Sally Jewell, "Breton Island provides a critical natural barrier for storm surge protection for coastal Louisiana. When you rebuild this ecosystem, you're also strengthening coastal resilience and making a smart long-term investment

in the face of climate change and increasingly frequent storms.”

To settle various lawsuits filed after the Deepwater Horizon explosion and oil spill, BP agreed to pay as much as \$9.6 billion. Included in that was a \$2.39 billion allocation to the National Fish and Wildlife Foundation (NFWF) to help Louisiana, Alabama, Florida, Mississippi and Texas recover.

Some of the \$2.39 billion is to be allocated to land acquisition, raising the possibility annual payments to NFWF will exceed annual appropriations for federal land acquisition for all agencies from the Land and Water Conservation Fund. The fiscal year 2012 appropriation for federal land acquisition was \$186.7 million.

But the \$1 billion natural resources recovery project is a separate allocation from the NFWF money. The \$1 billion is being distributed by the Natural Resources Damage Assessment Trustees.

The \$627 million proposal of December 6 represents the third phase, and by far the largest, from the natural resources fund. On April 18, 2011, the trustees approved eight projects in phase one for a total of \$60 million, with two each in Louisiana, Mississippi, Alabama and Florida.

Phase two was even smaller - two projects at \$9 million total to help restore nesting habitat for birds and turtles.

The draft phase three plan, EIS and list of projects are available at [www.gulfspillrestoration.noaa.gov](http://www.gulfspillrestoration.noaa.gov).

## **Two recreation coalitions differ on rewrite of FLREA**

Now that it is pretty well established that Congress will poke a stick in the hornet's nest and try to revive a federal recreation fee law, the question becomes what will it include? And that's where the problems begin.

The American Recreation Coalition

(ARC) and other public lands advocacy groups have recommended a sweeping overhaul of the existing law with a package of new fees. But an influential alliance of public lands recreation users has countered with its own proposal that would reduce areas where fees will be charged, although Park Service entrance fees would be unchanged.

So it will be up to the House subcommittee on Public Lands and the House subcommittee on Interior appropriations, presumably using the two proposals as guides, to fashion a new law. The existing one, the Federal Lands Recreation Enhancement Act (FLREA), expires on Dec. 8, 2015. The public lands panel is already working on a bill, as *FPR* has reported.

In brief the ARC proposal, developed in association with the National Parks Conservation Association and other groups, would convert most entrance fees to a daily fee (the majority are now weekly), convert passes to per individual (most are now per the carload), establish differential pricing (to encourage nonpeak visits and visits to lesser-known parks) and increase a senior lifetime pass to \$80 (it is now \$20), among other things.

The Western Slope No-Fee Coalition objects to much of that. “What all of these recommendations have in common is that they jettison the founding ideal of public lands as egalitarian spaces where everyone has access and is welcome,” the coalition advised its members in a recent bulletin. “Instead they envision a stratified society of those who can afford to enjoy outdoor recreation and those who can't.”

Coalition President Kitty Benzar told us last week she has submitted a recommendation from her side to House and Senate committees. It would bar fees for undeveloped areas, allow fees for developed facilities and allow agencies to retain fees.

“My hope is that by much more strictly limiting where fees can be charged and what they can be spent on this would dampen the incentive to

'build it and they will pay' that is a big problem in the current system," she said. "Any law that doesn't tackle that issue head on will add to the erosion of Congressional oversight and control that has been happening over the last 17 years since Fee Demo started."

Asked if reducing the number of sites that would charge fees risks reducing income for federal land management agencies, she said, "We are not proposing to touch NPS entrance fees or pass-sales, and that's two-thirds of total revenue and 80 percent of pass-sale revenue. We propose allowing BLM and FS to continue charging for visitor/interpretive centers, and have added several types of specialized facilities to the authority for fees for Special Use Permits (as compared to the pre-FLREA law)."

The rec users would also make private concessioners adopt the same fee schedule as federal agencies. "People should be able to expect consistency in fee policy and pass acceptance on all federal lands," said Benzar. "If an agency decides to outsource management to concessionaires, that should be transparent to the visitor."

The Western Slope proposal is available at:  
[http://www.westernslopenofee.org/pdfuploads/Recreation Fee Legislation Discussion Draft.pdf](http://www.westernslopenofee.org/pdfuploads/Recreation%20Fee%20Legislation%20Discussion%20Draft.pdf).

The bottom line for ARC and its allies is that users should pay a larger share of the costs of running the Park Service and running recreation programs in the Forest Service, the Bureau of Land Management, and the Fish and Wildlife Service.

Rec fees total about \$300 million per year now but the Park Service budget alone runs over \$2.5 billion per year.

Said ARC President Derrick Crandall, "With very little change in individual fees we can increase fee-based revenues by \$100 million every year."

The ARC proposal is available at:  
<http://www.funoutdoors.com/files/FLREA%20>

[Discussion%20Paper%20with%20chart%20Final.pdf](#).

The House subcommittee on Public Lands under chairman Rob Bishop (R-Utah) has made development of long-term legislation to replace or extend FLREA a priority.

Congress bought itself time to rewrite the sometimes controversial FLREA by including in an interim fiscal year 2014 appropriations spending law (PL 113-46 of October 16) a one-year extension of FLREA.

Among the groups that signed a letter to the Hill seeking the extension were the American Hiking Society, Association of Partners for Public Lands, National Association of State Park Directors, National Parks and Conservation Association, National Park Hospitality Association, and the Outdoor Industry Association.

At a June 18 hearing of the House Natural Resources Committee various interests advanced three separate strategies for extending FLREA:

*Simple extension.* Like the interest groups the Obama administration in its fiscal year 2014 budget request recommended a one-year extension of FLREA. That's what Congress did last month in the interim appropriations bill.

*Rewrite.* The leading critic of the bill, the Western Slope No-Fee Coalition, so dislikes FLREA that it says Congress should scrap it and write a new law now.

*Multi-year extension, plus.* The recreation industry recommended a three-year extension of FLREA combined with pilot programs to test new fees, such as variable entrance fees to the Park Service that would peak in peak seasons.

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

The Park Service reaps 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.

**Forest Service reaffirms guidance:**

In a related development the Forest Service December 9 made final a previously interim directive that guides the implementation of FLREA. The directive is available at <http://www.fs.fed.us/im/directives>. The service identifies the directive as chapter 30 of the Forest Service Handbook 2309.13.

**Murkowski favors new NPS fees:**

In another related development in an op-ed article last week on the Park Service maintenance backlog Sen. Lisa Murkowski (R-Alaska) suggested an expansion of fees by NPS. "Finally, we should explore the structure of the recreational fee. Some parks charge entrance fees, while others do not," she said in a December 3 piece in *The Hill* newspaper. This needs to be re-examined for fairness – and to ensure that appropriate revenue is being raised. For example, the National Park Service estimates that charging for parking on the National Mall could raise \$2 million a year – a substantial sum that could be used to better maintain that area."

**Blumenauer recommends gas tax hike to boost highway money**

Rep. Earl Blumenauer (D-Ore.) introduced legislation (HR 3636) December 3 that would increase the gasoline tax to fully fund highway and mass transit programs.

The bill would be especially helpful for recreation programs because Congressional Republicans in particular demand that existing gasoline taxes be spent on roads and bridges, and not on "fluff," such as recreation.

Backed by both the U.S. Chamber of Commerce and labor unions at a press conference, Blumenauer made this case for a 15 cents per gallon gasoline tax increase, on top of the existing 18.4 cents per gallon.

"There is a vast coalition that supports additional resources for infrastructure," he said. "The so-called 'special interests' that are so often at odds are remarkably aligned when it comes time to recognize and fix this problem. Business, labor, professional groups, local government, environmentalists, truckers, bicyclists all agree."

Although bicyclists came last in his list, Blumenauer has long been the lead House champion of bicycle and pedestrian programs. Indeed at the press conference he wore a signature emblem of a bicycle in his lapel.

The Blumenauer legislation does not include a penny per gallon set-aside for federal lands roads, as recommended by federal lands advocacy groups. That proposal would raise between \$1.5 billion and \$2 billion for road construction by the Park Service, the Forest Service, Indian tribes and other federal land management agencies.

However, the interest groups are not displeased with Blumenauer because the gas tax option is finally on the table. "Now we can make a concerted effort for the pennies-for-parks set-aside," said Derrick Crandall, counselor to the National Park Hospitality Association. "We are talking to Blumenauer. The real issue right now is we need to raise the gasoline tax to pay for highway programs."

Blumenauer is not exactly a power solon, and House Republicans in the last Congress rejected any notion of an increase in gasoline taxes.

Perhaps as a nod to that criticism Blumenauer December 3 introduced a second bill (HR 3638) that would authorize a study of a vehicle-miles-traveled fee. "As we extend the gas tax, we must also think about how to replace it with something more

sustainable," he said. "The best candidate would be the vehicle mile traveled fee being explored by pilot projects in Oregon and implemented there on a voluntary basis next year."

The real powers in the transportation game are Senate Environment and Public Works Committee (EPW) Chair Barbara Boxer (D-Calif.), House Transportation Committee Chairman Bill Shuster (R-Pa.), and leaders of the Senate Finance Committee and the House Ways and Means Committee.

Over the next year they will be trying to write a new multi-year surface transportation law to replace one now in effect for fiscal years 2013 and 2014, Moving Ahead for Progress in the 21st Century Act (MAP-21), PL 112-141 of July 6, 2012.

In order to pay the \$54 billion per year needed for MAP-21, Congress took almost \$20 billion per year from general revenues, a practice it is not likely to repeat next year.

To cover the gap Boxer in September suggested that Congress pay for highways and mass transit with oil wholesaler fees, i.e. the levy that gas stations pay when they buy supplies.

According to *The Hill* newspaper Boxer said at an infrastructure hearing held by the EPW that she chairs, "There are many ideas out there, and the one that I'm leaning toward myself, although this is going to be a decision of the (Senate) Finance Committee. . . is to do away with the per-gallon fee at the pump and replace it with this sales fee as they've done in Virginia and Maryland."

Shuster has been less forthcoming, but has hinted that he was willing to at least look at any and all revenue proposals.

The risks to recreation are extreme if a secure source of money is not found for both highway construction and highway-related programs. For some transportation experts, recreation should be the first to go.

MAP-21 kept most recreation

programs alive, although it modified past outdoor programs. It consolidated such programs as transportation enhancements and recreational trails into a Transportation Alternatives line item. The estimated allocation to the Transportation Alternatives program is \$760 million per year, or about a \$200 million decrease.

In addition the programs now must compete with each other and with other programs for the \$760 million. Within Transportation Alternatives MAP-21 set aside \$85 million for the recreational trails program, while allowing states to opt out if they wished. Only Florida opted out his year.

In HR 3636 Blumenauer would increase the gasoline tax from its current level of 18.4 cents per gallon to 26.3 percent in fiscal year 2014, to 30.3 cents during fiscal 2014 and to 33.3 cents for fiscal 2015 and each year for ten years after that. Diesel fuel and kerosene taxes would rise commensurately in a slightly different formula.

## **Time running out on Farm Bill; short extension maybe**

A House-Senate conference committee was about to give up at press time on reaching an agreement on a five-year Farm Bill. Instead Congressional leaders were expected to develop a short-term extension of the existing law.

While the House and Senate have their differences about conservation provisions in the competing bills, food stamps has been the most problematic conference issue. The House would reduce food stamp spending by \$39 billion over ten years, the Senate by \$4 billion over ten years and the administration would not cut program spending, period.

The House-Senate conference committee is tasked with quickly resolving massive differences between a House-passed, three-year bill (HR 2642) and a Senate-passed, five-year bill (S 954). The Senate approved its measure in June and the House in July. However,

the two sides have been unable to even come close to an agreement on a new Farm Bill over the last two years.

The House planned to adjourn/recess for the Christmas holidays today (December 13) and the Senate next Friday (December 20).

In total the Senate bill would trim \$3.5 billion from projected spending for conservation programs, according to the Congressional Budget Office (CBO). The House committee bill would reduce conservation spending by \$4.8 billion, said CBO.

Last week Secretary of Agriculture Tom Vilsack made a strong pitch for inclusion of conservation programs in the bill, not just for conservation purposes per se but also for recreation and the economy. At a December 3 press conference hosted by Ducks Unlimited he noted that recreation contributed \$640 billion per year to the nation's economy.

Then he said, "All this is dependent on Congress completing a Farm Bill and making sure we can continue our commitment to conservation."

Ducks Unlimited President Dale Hall, a former director of the Fish and Wildlife Service, seconded the motion. "We need a full, five-year Farm Bill," he said. "We are a little concerned about a kick-the-can-down-the-road for a one-year extension, which would really hurt conservation programs."

Overall the Senate bill follows the pattern of Farm Bill legislation over the last two years, i.e. it would reduce funding across-the-board, would reduce funding for conservation programs specifically and would consolidate programs. The House bill follows suit in reducing spending, but with even larger cuts than the Senate.

Included in both the Senate-passed and House-passed bills are provisions to keep alive the Conservation Reserve Program, a consolidated conservation easement program, an Open Fields program and the new loan/conservation policy.

In total the House would reduce farm spending by \$40 billion over the next 10 years, or \$17 billion more than the \$23 billion the Senate would cut.

The Senate generosity applies to conservation, including a Conservation Reserve Program and an Open Fields program. The Senate committee would reduce the Conservation Reserve Program from the existing 32 million acres to 25 million acres, but that is more than the 24 million acres in the House bill.

And both bills would retain an Open Fields program with the Senate providing \$40 million over five years and the House \$30 million. The program is formally known as the Voluntary Public Access and Habitat Incentive Program. The money would be used to continue an existing program that has passed \$50 million in grants through states to encourage private landowners to welcome outdoor recreationists on their lands.

### **Murkowski renews call to use LWCF for NPS maintenance**

Sen. Lisa Murkowski (R-Alaska) last week kept alive the idea of transferring a portion of an annual Land and Water Conservation Fund (LWCF) appropriations away from acquisition and to maintenance. Particularly Park Service maintenance.

Murkowski, the ranking Republican on both the Senate Energy Committee and the Senate Appropriations subcommittee on Interior, said in an op-ed piece in the *Hill* newspaper December 3, "We spend hundreds of millions of dollars each year to acquire additional federal lands, but none of that funding is applied to the maintenance backlog. It is counterintuitive to keep adding more lands that must be maintained each year, when the lands the government already owns have so clearly proven too much for the National Park Service to handle."

She concluded, "Allowing a portion of LWCF funds to be directed toward park maintenance would put a substantial dent in the backlog."

Murkowski was echoing the

sentiments of Sen. Tom Coburn (R-Okla.) who in a July Senate Energy Committee hearing recommended that 75 percent of the annual LWCF appropriation be used for maintenance.

Said Coburn, "I think LWCF funds ought to be reallocated. It's going to continue to grow as oil and gas offshore continues to grow. These funds are going to increase. I know we are in competition with other desires for land acquisition. But it seems to me if we were to take 75 percent of that fund and put it into parks maintenance over the next 10 years we could meet the obligations to the American people and get caught back up."

LWCF is authorized at \$900 million per year but the program is lucky to receive \$200 million in annual appropriations.

In the op-ed Murkowski offered a number of other proposals to address the Park Service's \$11.5 billion maintenance backlog. She said direct federal appropriations are pretty much out of the question and recommended instead such strategies as encouraging donations from outside groups.

That sort of tracks with an initiative now being developed by Sens. John Portman (R-Ohio) and Sen. Mark Udall (D-Colo.) to fashion legislation to establish an endowment with matched dollar-for-dollar public-private contributions to the parks. Past such proposals recommended as much as \$1 billion per year.

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

As a follow-up to the Second Century Commission of 2008 sponsored by the National Parks Conservation Association and *A Call to Action*, major organizations backing NPS are attempting

to identify possible new sources of unconventional revenues for the parks. The National Park Foundation, the National Parks Conservation Association and the National Park Hospitality Association have come up with some 16 recommendations.

Meanwhile, a bipartisan group of senators has sponsored legislation (S 338) to guarantee full funding of \$900 million per year for LWCF henceforth, led by Senate Finance Committee Chairman Max Baucus (D-Mont.) and Senate Energy Committee Chairman Ron Wyden (D-Ore.)

That may set the stage for a grand LWCF compromise between Murkowski and Coburn on one side and Democrats on the other for a guaranteed \$900 million per year for LWCF, but with a portion of the \$900 million going to maintenance.

In addition the Obama administration has not only recommended guaranteed full funding for LWCF down the line, it has also proposed a substantial appropriation in fiscal 2014 of \$356 million, compared to the \$186.7 million of fiscal 2012 and \$60 million for state grants, compared to \$45 million in fiscal 2012.

In a surprise move the administration also recommended in its fiscal 2014 budget request that Congress put up \$15 million for the long-moribund Urban Parks and Recreation Recovery (UPAR) program. And it recommended that UPAR be cut in on LWCF money in the long term.

Separately, four House members introduced legislation (HR 2727) July 18 to insure that states receive at least 40 percent of the annual appropriation from the Land and Water Conservation Fund.

Congress presently appropriates significantly more money for federal land acquisition than for state conservation grants. For instance, in the last year with good numbers (fiscal 2012) Congress appropriated \$186.7 million for federal land acquisition and just \$45 million for state grants.

The division of the LWCF spoils

has always been a sensitive spot between environmental groups that champion federal land acquisition and their allies in state and local park and rec offices. The two sides normally don't talk about their differences publicly.

But the chief sponsor of HR 2727, Rep. David B. McKinley, (R-W. Va.), brought the situation out in the open. "Several parks and recreational facilities in West Virginia I've met with expressed concern about the current funding formula for the Land and Water Conservation Fund and how it's distributed to state and local governments," he said. "The current method of funding is not fair."

### **NPS retracts its 'fracking' comments criticized by Bishop**

The National Park Service (NPS) last month withdrew comments critical of the practice of hydraulic fracturing (fracking) to extract oil and gas from the public lands, House Public Lands subcommittee chairman Rob Bishop (R-Utah) announced just before Thanksgiving.

In commenting on proposed Bureau of Land Management (BLM) regulations on fracking, the service cited a *New York Times* op-ed article that asserted fracking produces significant methane leakage.

Complained Bishop, "It concerns me that the National Park Service attempted to pass off unsubstantiated information as 'science'. This thinly veiled attempt to vilify energy production and hydraulic fracturing on our public lands illustrates a shared agenda between the Administration and anti-energy special interest groups."

But NPS Director Jon Jarvis said the comments were erroneously posted and do not represent the agency position. "I did not, nor did anyone from management, review the comments," he wrote Bishop. "They are unsigned and were erroneously uploaded to regulations.gov. The handling of these comments was contrary to National Park Service protocol and the staff that sent

out the comments was not clear on the appropriate review procedures."

Besides, he said, the reference to the *New York Times* article made clear its provenance. "While the quote should not have been included, the comments clearly documented the source of the quote as being from a July 29, 2013, *New York Times* Op-Ed article, not from a scientific journal."

Bishop characterized the *Times* quote this way in a letter to Jarvis, "The Service's comments rely on a *New York Times* opinion article from Cornell Professor Anthony Ingraffea regarding leakage rates from natural gas drilling. The opinion piece suggested that methane 'leakage' rates from oil and gas development were as high as 17 percent. This claim has been widely criticized and disproved by independent scientists and other federal agencies."

This controversy deals a setback to fresh criticism from environmentalists about the possible damage to national parks caused by fracking on public lands.

For instance, the National Parks Conservation Association (NPCA) said last month that the fracking boom in North Dakota poses danger to Theodore Roosevelt National Park.

Said Nick Lund, manager of landscape conservation program for NPCA, "This boom in oil and gas development threatens Theodore Roosevelt National Park's air quality on several fronts. Nearly 30 percent of natural gas extracted from wells is flared off, a process by which excess fuel is intentionally burned to dispose of it, releasing a steady stream of particulate sulfates and nitrates into the air. At the same time, emissions from the energy needed to operate the drilling rigs and the thousands of trucks needed to transport oil and gas is increasing the release of nitrogen oxide."

From the other side an industry coalition is distributing the results of a new poll that demonstrate popular support for fracking in the keystone State of Colorado. Said Jon Haubert,

communications director for Coloradans for Responsible Energy Development, "Despite the strong support for fracking, our work is far from over. The need for a sustained education effort about one of our state's – and nation's – most important topics clearly won't be going away."

Indeed, there are holes in that support, although the poll conducted by Quinnipiac University shows that overall Coloradans support the practice by 51-to-34 percent. "Men support it 60-30 percent while women are divided with 42 percent for fracking and 38 percent opposed," said the pollster. Politically, Republicans support the practice 80-9 percent while Democrats oppose it 54-26 percent.

Colorado is a keystone state because it is the epicenter of a controversy over the practice that led several communities this year to ban fracking. That prompted the legislature last month to pass tough new fracking regulations, with the support of both industry and the Environmental Defense Fund. Colorado is also home to several National Park System units such as Rocky Mountain National Park.

At issue in the Park Service controversy are proposed BLM regulations of May 24 that would establish fracking standards for all public lands in the areas of public disclosure of chemicals used by lease operators, confirmation of well integrity and proper management of flowback water.

In reaction to that proposal 275 environmental and consumer groups lined up 600,000 comments demanding an end to hydraulic fracturing, or fracking, on the public lands. Period. Among the organizations was the Center for Biological Diversity.

Meanwhile, as *FPR* reported in the November 29 issue, park and recreation advocates are up in arms about public lands energy bills the House approved November 20. But the legislation is almost certainly not going anywhere because the Obama administration and the Senate Energy Committee chairman object to the measures.

The two key bills (HR 1965 and HR 2728) would, among other things, forbid the federal government from regulating hydraulic fracturing on public lands, require a \$5,000 fee to file a protest against a proposed lease sale, and, in general expedite leasing and approval of drilling permits.

NPS Director Jarvis's letter to Bishop and Bishop's letter to Jarvis are available at Bishop's website, <http://robbishop.house.gov/news/documentsingle.aspx?DocumentID=363005>.

The results of the Quinnipiac poll are at: <http://www.quinnipiac.edu/institutes-and-centers/polling-institute/colorado/release-detail?ReleaseID=1977>.

## House panel approves state payback bill for NPS closure

The House Natural Resources Committee approved without opposition December 4 legislation (HR 3286) that would reimburse states for paying to keep national parks in operation during the recent government shutdown.

The bill from lead sponsor Rep. Steve Daines (R-Mont.) addresses the October 1 to October 16 closure of all 401 national park units in the wake of the government shutdown. Several states used their own money to keep national parks going.

Said Daines, "Allowing states to fund the national parks during the shutdown was a solution to a problem. HR 3286 will make those states whole. Shouldn't we all agree not to punish those who seek to solve Washington's problems?"

This is a rare example of real bipartisan legislation, not token bipartisan legislation. Of the 26 cosponsors of HR 3286 seven are Democrats. And a counterpart Senate bill (S 1572) is sponsored equally by Republicans (Sen. Lamar Alexander (R-Tenn.) in the lead) and Democrats (Sen. Michael Bennet (D-Colo.) in the lead.)

Further, just before the House committee took up Daines's bill Colorado Gov. John Hickenlooper (D) endorsed it. The State of Colorado anted up \$161,200 to keep Rocky Mountain National Park open during the government closure.

"As this reopening not only helped the state and the communities that surrounded the Park, it also benefited the Service as well as the visitors from around the country who were treated to the fall splendor at one of the crown jewels of the Service's system," Hickenlooper wrote House and Senate leaders. "For this reason, we support legislation pending in Congress that would repay the states for the full costs of keeping this – and other Service units – open during the shutdown."

The Daines bill would apply just to the recent government shutdown in fiscal year 2014. But Rep. Chris Stewart (R-Utah) has introduced much broader legislation (HR 3311) that would address future closures and allow states to pay to keep federal land management agencies going in the event of new shutdowns.

Stewart's bill would apply to all Interior Department agencies, but not to the Forest Service and the Corps of Engineers. It would focus on activities that would have "a direct economic impact on tourism, mining, timber, or general transportation."

The Obama administration criticized the Stewart bill at a November 21 House subcommittee hearing, saying Congress should not pick and choose favored activities to continue during government shutdowns.

Said C. Bruce Sheaffer, comptroller of the National Park Service, "However, rather than only protecting certain narrow sectors of the economy (and only the portions of those sectors associated with Department of the Interior activities) from the effects of a government shutdown in the future, Congress should protect all sectors of the economy by enacting appropriations on time, so as to avoid any future shutdowns."

## Notes

**Suh, Beaudreau get Senate hearing.** The Senate Energy Committee yesterday (December 12) held a sometimes-heated hearing on two key Interior Department nominations. Committee Republicans roughed up assistant secretary of Interior for Policy Rhea Suh, who is nominated as assistant secretary of Interior for Fish and Wildlife and Parks. Sen. John Barrasso (R-Wyo.) objected to her past work with foundations in alliance with environmentalists. And ranking committee Republican Lisa Murkowski (R-Alaska) questioned whether Suh is experienced enough in natural resource policy. The senators indicated they were more willing to confirm Tommy Beaudreau as assistant secretary of Interior for Policy. Beaudreau is currently director of the Bureau of Ocean Energy Management. Suh and Beaudreau are two of four Obama administration nominations for Interior Department leadership positions sent up in the last two months. The administration also nominated acting Bureau of Land Management Director Neil Kornze as director. And Obama nominated veteran Washington, D.C., attorney Janice M. Schneider as the next assistant secretary of Interior for Land and Minerals Management. The energy committee has scheduled a hearing on the nominations of Kornze and Schneider for December 17. If Suh is confirmed she will set policy for the Park Service and the Fish and Wildlife Service. In her previous position in the department she was one of the architects of a proposal to lock in funding for the Land and Water Conservation Fund.

**Eight states receive Sandy grants.** The Park Service December 4 announced the award of \$7.7 million in grants to help mid-Atlantic states restore historic properties damaged by Hurricane Sandy. The grants are part of a \$50 million pot Congress appropriated for Mid-Atlantic States to restore historic sites. On May 7 the Interior Department had announced that New York and New Jersey will receive \$32 million in historic preservation grants. The grants announced December 4 will go to states other than New

York and New Jersey, including Delaware (\$1 million), Maryland (\$1.5 million), Massachusetts (\$1.2 million), New Hampshire (\$800,000), Ohio (\$400,000), Pennsylvania (\$1.5 million), Virginia (\$1.1 million) and West Virginia (\$173,000). In a Hurricane Sandy recovery law (PL 113-2 of January 29) Congress put up for immediate recovery \$348 million for the Park Service, \$68.2 million for the Fish and Wildlife Service, \$50 million for state historic preservation grants, \$4.4 million for the Forest Service and \$4.281 billion for the Corps of Engineers for construction, operations and maintenance. It appropriated another \$360 million for Interior Department mitigation with the department to determine allocations among all agencies sometime in the future.

#### **Withdrawals in final DoD bill.**

House and Senate leaders this week put together a Department of Defense authorization bill that includes several public lands withdrawals. The measure may be enacted before Congress leaves for the Christmas holidays this month. Senate Armed Services Committee and House Armed Services Committee chairmen and ranking members drafted the consensus bill from provisions in a House-passed Defense bill (HR 1960) and a Senate bill (S 1197) that has been stalled on the floor. The provisions include the withdrawal of one million acres of Bureau of Land Management Land (BLM) for the China Lake Naval Station in California for 25 more years; Limestone Hills Training Area, Mont., withdrawal of 187,644 acres of BLM land for use by the U.S. Army's Limestone Hills Training Area in Montana; Chocolate Mountain Aerial Gunnery Range, transfer of 226,711 acres of BLM land to the U.S. Navy for the Chocolate Mountain Aerial Gunnery Range in California; Twenty-nine Palms, Calif., withdrawal of 154,663 acres in San Bernardino County, Calif., for the Marine Corps Air Ground Combat Center Twenty-nine Palms; and White Sands Missile Range, withdrawal of 5,100 acres of BLM land in New Mexico and Texas.

**Rep. Smith hits Ozark plan again.** Rep. Jason Smith (R-Mo.) December 5 resumed his criticism of

a proposed Ozark National Scenic Riverways management plan. He took to the floor of the House to fault the plan for excluding recreationists to "appease environmentalists." "This proposal would hurt small businesses that rely on the riverways and keep my constituents from enjoying the riverways that belong to them," he said. Smith wrote NPS Director Jon Jarvis last month to express his concerns. NPS announced completion of the draft plan November 1. Superintendent Bill Black said on publication of the draft plan, "Our goal remains to develop a final plan that will provide a variety of recreational opportunities while continuing to preserve and protect the natural and cultural resources of Ozark National Scenic Riverways for future generations."

#### **Development nears NW forests.**

The Forest Service says in a new report that development alongside public forests in Oregon and Washington more than doubled in the last 40 years. The service's Pacific Northwest Research Station counted the number of structures within one kilometer of public forests, and compared the results between the 1970s and mid-2000s. The researchers didn't make a moral judgment on whether the development was negative or positive. "Although public forests are not necessarily directly subject to development, they still face management issues at their edges because of indirect development pressure," said David Azuma, a research forester at the station who led the study. Development adjacent to national forests, state forests and Bureau of Land Management forests does provide access for homeowners to a great array of recreation resources. And it also increases the cost of fighting wildfires because of the need to protect people and property adjacent to public forests. The report is available at: <http://www.treesearch.fs.fed.us/pubs/45205>

**Rim Fire recovery planned.** The Stanislaus National Forest announced December 6 that it intends to prepare an EIS as a lead step toward removing dead and dying trees hit by the Rim Fire in August. The forest said it intends

to complete the EIS in order to begin work on restoring burned portions of the forest by next summer. The project calls for salvaging dead trees on 30,000 of the 154,000 acres of forest burned in the fire and removal of dead and dying trees along 327 miles of road. The Rim Fire, which began on August 17, burned more than 257,000 acres, including more than 154,000 acres on the Stanislaus and 40,000 acres in Yosemite National Park. The forest didn't mention Yosemite in its Rim Fire restoration program. By law the Forest Service must prepare the environmental documentation. But the Congressman who represents the area, Rep. Tom McClintock (R-Calif.), has been pushing legislation to authorize timber salvage sales without further environmental review. McClintock introduced a stand-alone bill (HR 3188) September 26 that would authorize such sales in both Yosemite and the Stanislaus National Forest.

## Conference calendar

### 2014

#### JANUARY

2-5. **Archaeological Institute of America** annual meeting in Chicago. Contact: Archaeological Institute of America, 656 Beacon St., Boston, MA 02215-2006. (617) 353-9361. <http://www.archaeological.org>.

21-23. **National Ski Areas Association Western Winter Conference** in Steamboat, Colo. Contact: National Ski Areas Association, 131 South Van Gordon St., Suite 300, Lakewood, CO 80228. (303) 987-1111. <http://www.nsaa.org>.

22-24. **U.S. Conference of Mayors Winter Meeting** in Washington, D.C. Contact: U.S. Conference of Mayors, 1620 I St., N.W., Fourth Floor, Washington, DC 20006. (202) 293- 7330. <http://www.usmayors.org>.

22-25. **Outdoor Retailer Winter Market** in Salt Lake City. Contact: Outdoor Retailer, 310 Broadway, Laguna Beach, CA 92651. (949) 376-8155. <http://www.outdoorretailer.com>.

#### FEBRUARY

2-5. **National Association of Conservation Districts** annual meeting

in Anaheim, Calif. Contact: National Association of Conservation Districts, 509 Capitol Court, N.E., Washington, DC 20002. (202) 547-6233. <http://www.nacdnet.org>.

4-5. **National Ski Areas Association Eastern Conference** in Mount Snow, Vt. Contact: National Ski Areas Association, 131 South Van Gordon St., Suite 300, Lakewood, CO 80228. (303) 987-1111. <http://www.nsaa.org>.

23-27. **Association of Partners for Public Lands Annual Convention** in Albuquerque, N.M. Contact: Association of Partners for Public Lands, 2401 Blueridge Ave, Suite 303, Wheaton, MD 20902. (301) 946-9475. <http://www.appl.org>.

#### MARCH

1-5. **National Association of Counties Legislative Conference** in Washington, D.C. Contact: National Association of Counties, 440 First St., N.W., 8th Floor, Washington, D.C. 20001. (202) 393-6226. FAX (202) 393-2630. <http://www.naco.org>.

24-29. **North American Wildlife Conference** in Arlington, Va. Contact: Wildlife Management Institute, 1146 19th Street, NW, Suite 700, Washington, DC 20036. (202) 371-1808. <http://www.wildlifemanagementinstitute.org>.

25-26. **NRPA National Legislative Forum on Parks and Recreation** in Washington, D.C. Contact: National Recreation and Parks Association, 1901 Pennsylvania Ave, N.W., Washington, DC 20006. (202) 887-0290. <http://www.nrpa.org/legforum/>.

#### APRIL

23-27. **American Alliance for Health, Physical Education, Recreation and Dance National Convention & Expo** in St. Louis, MO. Contact: AAHPERD, 1900 Association Drive, Reston, VA 20191(703) 476-3400. <http://www.aahperd.org>.

23-27. **Society for American Archaeology** annual meeting in Austin, TX. Contact: Society for American Archaeology, 900 2nd St., N.E., Suite 12, Washington, D.C. 20002-3557. (202) 789-8200. <http://www.saa.org>.