

Federal Parks & Recreation

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Obama suggests he will designate land monuments

In his State of the Union address January 28 President Obama hinted strongly that he would use the Antiquities Act to protect public lands over the next year, presumably by unilaterally designating national monuments.

Obama said he would protect places where energy development is not appropriate. "The President believes that we must encourage energy development in the right ways and in the right places, but he also recognizes that there are some places that are too special to develop," he said. "That is why the President will use his authority to protect some of the places that Americans love most, even as we continue to develop energy resources elsewhere."

The administration may be about to act. *The Washington Post* reported this week that Obama intends to designate shortly two areas - an Organ Mountains-Desert Peaks National Monument in New Mexico and a Point Arena-Stornetta Public Lands National Monument in California.

Legislation to designate the monuments is already circulating in both the House and Senate, but pushing such legislation across the finish line is never easy. So the use of the Antiquities Act would circumvent Congress.

Environmentalists agree. "Areas like New Mexico's Organ Mountains-Desert Peaks have support from small business owners, conservationists, and sportsmen to be permanently protected," said Jamie Williams, president of The Wilderness Society. "Now President Obama is ready to use executive authority to protect these special places as well."

More than 100 House Democrats last week urged the Obama administration to designate national monuments under the Antiquities Act.

They asked Secretary of Interior Sally Jewell to encourage the President to use the law to unilaterally designate national monuments around the country. "There are 37 land designation bills sitting before Congress that have broad public support. Unfortunately, Congress is failing to act," said the Democrats led by Reps. Peter DeFazio (D-Ore.) and Raul Grijalva (D-Ariz.) Most of the areas would be managed by the Bureau of Land Management (BLM).

Because Congress has not acted on such legislation for the last three years, the 109 Democrats said, "Some initiatives require Presidential leadership and should not be bogged down by political infighting and paralysis, increasingly common characteristics of Congress." The Democrats did not single out any specific areas for possible designation.

But they did single out possible economic benefits. "Gateway communities throughout the country benefit from Federal conservation efforts; resources are protected, visitor experience is enhanced, and local economies are enhanced. At National Parks alone, visitors spend more than \$35 million per day," they wrote Jewell.

Republicans in this Congress have countered the monuments demand with 10 or more individual bills to either ban the use of the Antiquities Act altogether or to place conditions on its use, such as requiring the approval of state legislatures. The House subcommittee on Public Lands held a hearing on those bills on April 16, 2013.

The Republicans fear new limits on commodity uses of the public lands. They often cite the Clinton administration designation of a 1.9 million-acre Staircase-Escalante National Monument in Utah in 1996 with minimal consultation with state and local governments.

The Wilderness Society said it has identified 25 wilderness and conservation bills that are hung up in Congress and said Obama should step up and designate those areas as national monuments.

The list of bills pending on The Wilderness Society list is at: <http://wilderness.org/article/wilderness-bills-await-congressional-action>.

While House subcommittee on Public Lands chairman Rob Bishop (R-Utah) has been among the harshest critics of the Antiquities Act, he has at the same time undertaken an initiative to find a consensus on managing public lands in southern Utah. And conservationists have recommended to Bishop the designation of national monuments as part of the deal, albeit through legislation and not the Antiquities Act.

The national monuments issue sort of blew up in the Obama administration's face in February 2010 when Bishop and House Natural Resource Republicans obtained a BLM memo that said the Interior Department "is considering" the designation of 14 national monuments and the acquisition of billions of dollars of land, all for BLM.

The 14 possible BLM monuments are located in Arizona (1), California (4), Colorado (1), Montana (1), Nevada (1), New Mexico (2), Oregon (1), Utah (2) and Washington (1). The Interior document says 1,618,140 acres would be involved, including 397,210 acres of state and private land. Acquisition of the land would cost more than \$2 billion.

Despite that controversy conservationists and communities continue to plug away for use of the Antiquities Act to protect sensitive lands. For instance, more than 100 recreation-related businesses and the Outdoor Industry Association on Nov. 13, 2012, asked President Obama to designate a 1.4 million-acre Canyonlands National Monument in southern Utah near Canyonlands National Park.

Separately, a coalition of environmental groups in May 2012 proposed a 1.7 million-acre Grand Canyon

Watershed National Monument just north of Grand Canyon National Park. It would be located in part on the 1 million acres of BLM and Kaibab National Forest land the Obama administration withdrew from uranium mining on Jan. 9, 2012. The Sierra Club is among the groups backing the monument.

Perhaps because of the objections of the Republicans President Obama has used the Antiquities Act authority sparingly in the West. His largest major action came on March 2, 2013, when the President designated a 240,000-acre Rio Grand Del Norte National Monument in New Mexico, and that was supported by most of the New Mexico Congressional delegation.

Organ Mountains: Sen. Martin Heinrich (D-N.M.) has introduced legislation (S 1805) to designate a 498,000-acre Organ Mountains-Desert Peaks National Monument near Las Cruces, N.M. The Senate has taken no further action on the measure.

Rep. Stevan Pearce (R-N.M.) has introduced a quite different bill (HR 995) that would designate a smaller, 54,800-acres monument. The House subcommittee on Public Lands held a hearing on the bill May 9, 2013.

Stornetta: Secretary of Interior Sally Jewell visited California on Nov. 8, 2013, to praise efforts to add 1,255 acres of California Coast near Point Arena to the California Coastal National Monument. The national monument is managed by BLM.

Conservation groups such as the Trust for Public Lands and others have worked with BLM to add lands to the monument, which now stretches for 12 miles across state and federal lands.

Members of the California Congressional delegation, led by Rep. Jared Huffman (D-Calif.), have introduced legislation (HR 1411, S 61) to add the Stornetta area near Point Arena to the monument. The House approved HR 1411 June 2 without objection. The Senate bill from California Sens. Barbara Boxer (D) and Dianne Feinstein (D) has not moved yet.

\$10B in outdoor money makes it on Florida Nov. ballot

Florida voters will have before them in November a ballot initiative that would provide \$10 billion over 20 years for water and land conservation.

Amendment 1 would allocate one-third of the revenues from an existing real estate transfer tax to land conservation, outdoor recreation, management of existing lands and protection of lands critical to the water supply. Sixty percent of the voters would have to approve the initiative because it would amend the Florida constitution.

The Florida Department of State certified the ballot initiative after conservationists rounded up more than 696,000 signatures. They needed just over 683,000 signatures to qualify.

The program would kick in on July 1, 2015, and would ante up \$642 million for the program in year one, said the lead proponents, a coalition of conservationists called Florida Land and Legacy.

Said Will Abberger, the campaign's chair and director of conservation finance for The Trust for Public Land, "This means that next November, Florida voters will have the opportunity to dedicate state funding to ensure we have clean water and protect our precious natural resources."

The Florida Supreme Court on Sept. 26, 2013, gave the conservation amendment the go-ahead, certifying its qualification for the ballot.

There will be a fight. Florida newspapers last week reported on significant opposition from House Speaker Will Weatherford and Senate President Don Gaetz, both Republicans. An aide to Getz told the News Service of Florida the initiatives would create "an eternal government land acquisition program."

Amendment 1 says the money could be used for: "*the acquisition and*

improvement of land, water areas, and related property interests, including conservation easements, and resources for conservation lands including wetlands, forests, and fish and wildlife habitat; wildlife management areas; lands that protect water resources and drinking water sources, including lands protecting the water quality and quantity of rivers, lakes, streams, springsheds, and lands providing recharge for groundwater and aquifer systems; lands in the Everglades Agricultural Area and the Everglades Protection Area, as defined in Article II, Section 7(b); beaches and shores; outdoor recreation lands, including recreational trails, parks, and urban open space; rural landscapes; working farms and ranches; historic or geologic sites; together with management, restoration of natural systems, and the enhancement of public access or recreational enjoyment of conservation lands."

Gov. Rick Scott (R-Fla.) has not announced his position on the amendment yet but he has frequently supported conservation in the last two years, particularly when it comes to the Everglades ecosystem.

For instance on January 22 he said he would ask the legislature for a \$60 million increase in money for the restoration of the Everglades in the 2014 state legislative session, bringing his total request to \$130 million. Last year Scott endorsed a multi-year, \$880 million Everglades restoration plan.

North Dakota: Conservationists in North Dakota are trying to round up enough signatures to place an initiative on the November ballot that would generate about \$45 million per year for conservation. The proposed amendment would set aside five percent of an annual state oil and gas extraction tax for conservation purposes. The Clean Water, Wildlife and Park Coalition needs 26,904 qualified signatures by August 8 to put the measure on the ballot.

There is opposition in North Dakota from the Greater North Dakota Chamber and related groups. Background information from supporters is available

at <http://cleanwaterwildlifeparks.org/>.

The Florida and North Dakota initiatives could herald a busy year for conservation initiatives. In the last set of national conservation initiatives in November 2012 voters across the country approved 53 of 68 such measures for a total of \$2.3 billion.

However, ballots presented voters with almost half as many initiatives as in the 2008 Presidential election year, 68 to 128, and almost three times fewer than in 2004, 68 to 215.

And in dollar terms the disparity was even greater with \$2.3 billion approved on Nov. 7, 2012, compared to five times as much in 2008, or \$11.1 billion. In 2004 voters approved 13 times as much money, or \$26 billion.

Congress passes Farm Bill with conservation provisions

Although it trimmed some conservation money from a five-year Farm Bill compared to the last one, Congress February 4 approved substantial amounts of money for major outdoor programs.

The Senate gave the final Congressional approval to the measure (HR 2642) and President Obama is expected to sign it shortly.

Conservationists were willing to accept the loss of some \$3 billion in conservation spending over five years because of a new provision that would require farmers to comply with conservation programs in order to receive crop insurance. HR 2642 would substitute crop insurance for direct support payments to farmers.

Said Senate Agriculture Committee Chair Debbie Stabenow (D-Mich.), "This has been called the greatest advancement in conservation in three decades. I wish to underscore for my colleagues that this is an important and historic agreement, . . ."

Conservationists are on board. Said Bridget Collins, agricultural policy coordinator for the Association

of Fish and Wildlife Agencies, "This provision will go a long way toward making sure the American taxpayer isn't providing an incentive for wetland drainage and soil erosion,"

House and Senate conferees agreed on a final Farm Bill on January 27. The House then approved the measure January 29 and the Senate February 4.

Of particular importance to park and rec programs, the Farm Bill includes more than \$400 million for the payments-in-lieu of taxes (PILT), which compensates counties for the loss of tax revenues because of public lands in their midst. That matters because PILT was left out of a fiscal year 2014 appropriations law (PL 113-76 of January 17), freeing up an extra \$400 million for other programs, including park and rec programs.

According to the Congressional Budget Office the Farm Bill would distribute \$28.2 billion to conservation programs over the next five years, beginning with \$5.4 billion in this fiscal year 2014 and increasing to \$5.8 billion in fiscal 2018.

The crop insurance program would require farmers to comply with an Environmental Quality Incentives Program and Conservation Stewardship Program in order to receive federally-subsidized crop insurance. Here are some of the allocations in the bill:

CONSERVATION RESERVE PROGRAM (CRP): HR 2642 establishes a maximum ceiling on the number of acres set aside by farmers in conservation reserves of 27.5 million in fiscal 2014, 26 million in fiscal 2015, 25 million in fiscal 2016, 24 million in fiscal 2017 and 24 million in fiscal 2018.

Said Steve Kline, director of government relations for the Theodore Roosevelt Conservation Partnership, "While the Conservation Reserve Program has lost some acreage in this Farm Bill, those reductions reflect the current demand for the program on the ground. The bill does include 2 million acres of CRP dedicated for the enrollment of grasslands, something beneficial that has

not been included in the past."

ENVIRONMENTAL QUALITY INCENTIVES PROGRAM (EQIP): EQIP gives financial and technical assistance to agricultural producers through contracts up to a maximum ten years. The bill would provide \$1.35 billion in fiscal 2014 increasing gradually to \$1.75 billion in fiscal 2018.

AGRICULTURAL CONSERVATION EASEMENT PROGRAM (ACEP): The bill would allocate \$400 million in fiscal 2014, \$425 million in fiscal 2015, \$450 million in fiscal 2016, \$500 million in fiscal 2017 and \$250 million in fiscal 2018.

"This funding is a great investment for future generations of farmers, ranchers and all Americans. It will enable the purchase of perpetual conservation easements from landowners who are willing to restrict their land development and help secure food and fiber, clean water, wildlife habitat, and our rural heritage," said Rand Wentworth, president of the Land Trust Alliance.

OPEN FIELDS (VOLUNTARY PUBLIC ACCESS AND HABITAT INCENTIVE PROGRAM): The bill would authorize \$40 million per year for each of the five fiscal years for this program that allocates money to states for programs that make private lands available to hunters and anglers.

House approves multi-part public lands rec package

The House February 5 approved eight bills to encourage hunting and fishing on the public lands, including a measure to declare public lands open to fishing and hunting unless specifically closed.

House leaders wrapped the eight bills into one measure (HR 3590), named the Sportsmen's Heritage and Recreational Enhancement Act.

The day before the House vote 12 senators from both political parties introduced their own package of sportsmen's legislation (S 1996). Like the House bill S 1996 includes several

individual bills, including the open-unless-closed measure.

While the House was at it February 4, it approved an amendment from Rep. Jason Smith (R-Mo.) that would maintain current levels of motorboat access to the Ozark National Scenic Riverways in Missouri. The Park Service published a draft plan Nov. 1, 2013, that would limit such access, infuriating Smith and some of his constituents. The House approved the amendment without a formal vote.

The Obama administration weighed in against several specific provisions in HR 3590, without opposing the overall measure outright. It took particular aim at the open-unless-closed provision for compromising existing laws and regulations.

The Office of Management and Budget said February 3 that the provision would "(1) exclude management decisions from the National Environmental Policy Act, the cornerstone law guiding environmental protection and public involvement in Federal actions; (2) supersede longstanding statutory planning discretion; and (3) undermine the Wilderness Act of 1964."

The provision, perhaps the most important one in HR 3590, is based on a bill (HR 1825) from Rep Dan Benishek (R-Mich.) that would declare public lands open to hunting, fishing and recreational hunting unless specifically closed. Public lands in this instance includes just lands managed by the Forest Service and the Bureau of Land Management.

Benishek said his bill would prevent litigation from environmentalists seeking to block access to wilderness areas and other sensitive lands. "Over the years, legislative ambiguity in the Wilderness Act has opened the door for numerous lawsuits over the country," he said on the House floor. "Rather than embracing sportsmen and women for the conservationists that they are, anti-hunting and environmental groups have pursued an agenda of eliminating heritage activities on Federal lands for

years. These groups look for loopholes in the law to deprive our constituents the right to use their own Federal lands."

But ranking House Natural Resources Committee Democrat Peter DeFazio (D-Ore.) said the open-unless-closed provision is not needed. "In fact, there is so much agreement on this point that existing law clearly supports such activities. As a result, hunting and fishing are popular and commonplace, pursued on public lands, the vast majority of which, outside of national parks in the lower 48, are open to hunting and fishing," he said.

Other bills in the House package are also controversial. Environmentalists have long objected to a measure (HR 322) from Rep Jeff Miller (R-Fla.) that would bar EPA from banning the use of lead shot in ammunition and fishing tackle. (Lead shot is barred under existing law from waterfowl hunting.)

However, two of the five sponsors of HR 3590 are Democrats - Bennie Thompson (Miss.) and Timothy Walz (Minn.)

In addition the package of bills has been endorsed by 36 national sportsmen's organizations including Ducks Unlimited, the Wildlife Management Institute, and the Association of Fish and Wildlife Agencies.

Not included in HR 3590 is a bill (HR 3962) that would use 1.5 percent of the annual Land and Water Conservation Fund (LWCF) appropriation for recreation access to public lands. Rep Steve Daines (R-Mont) just introduced that bill January 29. (*See separate article page 10.*)

The LWCF provision was a major player in an omnibus Senate recreation bill in the last Congress that reached the Senate floor but was defeated in a filibuster. Republicans concerned about the cost of the bill teamed up with Democrats concerned about lead ammunition to block the legislation in November 2012.

DeFazio criticized the bill sponsors for not including several other initiatives in HR 3590 that would benefit outdoor recreation. "That would be programs that support wetlands conservation, the preservation of outdoor recreation facilities, North American Wetlands Conservation Act, and the Land and Water Conservation Fund, which are key in expanding opportunities or protecting continued opportunities to hunt and fish, as we see more and more urban encroachment onto traditional hunting and fishing areas," he said. "We could use those tools."

HR 3590 includes these eight bills:

HR 322, lead ammunition
 HR 1825, open unless closed
 HR 2463, encourage the construction and use target practice ranges on public lands (Rep. Duncan Hunter (R-Tenn.))
 HR 2798, establish a formula for filming on public lands (Rep. Bob Latta (R-Ohio))
 HR 1818, allow importation of dead polar bears (Rep. Don Young (R-Alaska))
 HR 1206, make permanent the electronic Duck Stamp Act (Rep. Rob Wittman (R-Va.))
 HR 2046, authorize guns in Corps of Engineers properties (Rep. Bob Gibbs (R-Ohio)) and
 HR 2799, establish a Wildlife and Hunting Heritage Conservation Council Advisory Committee (Latta again).

Conflicting ideas emerge on paying transportation tab

President Obama and Congressional leaders are airing quite different ideas on how best to pay for the next, multi-year surface transportation bill.

After the President's State of the Union address January 28 his office circulated a recommendation for a "grand bargain" on taxes to pay the bill.

"As the President first proposed in Chattanooga in July 2013, he stands ready to work with Congress on a grand bargain for middle-class jobs that pairs comprehensive reform to simplify our

business tax code with investments to rebuild America's infrastructure that create more good construction jobs that our economy needs right now," said the White House.

But Congressional Republican leaders have ideas of their own. House Transportation Committee Chairman Bill Shuster (R-Ohio) said February 4 in a speech to a group called Building America's Future that he favors a mileage fee rather than a gasoline tax.

Meanwhile, the 16 Democrats on the House Ways and Means Committee urged panel chairman Dave Camp (R-Mich.) last month to get moving on legislation to pay for the next multi-year transportation bill.

Mindful that the Highway Trust Fund came up \$21 billion short of the money needed for highway programs over the last two years, the Democrats said, "We have fewer than nine months to find a funding solution for our infrastructure system. Thus, time is of the essence."

Separately, 17 governors from both political parties wrote House and Senate leaders January 30 urging Congress to address surface transportation legislation.

"We urge you to act as soon as possible to stabilize the Highway Trust Fund's revenue situation for the long-term. . .," said the governors, led by Gov. Pat McCrory (R-N.C.) and John Kitzhaber (D-Ore.)

Raising billions of dollars for highways is a most sensitive business, particularly for fiscal conservatives in Congress, thus the Ways and Means Democrats are attempting to put the onus on their Republican colleagues. The House Transportation Committee under chairman Shuster will write the details of the next multi-year surface transportation bill, but the Ways and Means Committee must come up with the money.

Several other proposals for raising the billions needed have emerged in recent months including: tax revenues from corporations that have

hidden billions of dollars in foreign countries that agree to bring their money home (Transportation Department Secretary Anthony Foxx; an increase in the gasoline tax (HR 3636 from Rep. Earl Blumenauer (D-Ore.) and taxes on oil wholesaler fees, i.e. the levy that gas stations pay when they buy supplies (Senate Environment and Public Works Committee Chair Barbara Boxer (D-Calif.)

The proposals are crucial to outdoor programs because without significant new sources of money Congressional leaders will be tempted to limit surface transportation spending to core highway construction. And they might terminate recreation programs such as transportation enhancements and recreational trails.

The existing transportation law, Moving Ahead for Progress in the 21st Century Act, PL 112-141 of July 6, 2012, expires at the end of September.

Shuster has laid out this schedule for developing a bill this year: "We hope to take Committee action in the late spring or early summer with the goal to be on the House floor before the August recess. This way there will be time to conference our bill with the Senate's bill."

House Hatteras bill more generous to ORVs than Senate

The House February 6 approved legislation affecting a Cape Hatteras management plan quite different than a counterpart measure now moving in the Senate.

The House bill would straight up reverse a Park Service plan for the national seashore that reduced beach access to off-road vehicles (ORVs). The far milder Senate language - worked out between Democrats and Republicans - would retain the existing plan but would have NPS review and adjust wildlife buffers.

Rep. Walter Jones (R-N.C.), sponsor of the House bill (HR 819), suggested this week that he is interested in compromise in order to

ease the impact of the January 2012 NPS plan on the local economy.

"I am committed to working with the National Park Service and all other relevant organizations to ensure that this piece of our history is preserved for future generations," he said just before the House began consideration of his legislation.

The Obama administration "strongly opposes" the Jones bill, NPS Associate Director Herbert Frost told a House subcommittee last year. "The plan not only provides diverse visitor experience opportunities, manages ORV use in a manner appropriate to a unit of the National Park System, and provide a science-based approach to the conservation of protected wildlife species, but also adapts to changing conditions over the life-span of the plan," he said.

The Senate Energy Committee approved a counterpart bill (S 486) on September 10 after committee Democrats and Republicans, led by bill sponsor Sen. Richard Burr (R-N.C.), hashed out a compromise.

The compromise would leave the Jan. 23, 2012, plan in place but would encourage the Park Service to modify it to provide larger buffers between crucial wildlife habitat and ORV routes. The Senate committee said the compromise would:

"require that the Secretary of the Interior review and adjust wildlife protection buffers, using adaptive management practices, to ensure that the buffers are of the shortest possible duration and cover the smallest area necessary to protect the species. The Secretary would also be required to designate pedestrian and vehicle corridors around areas of the National Seashore that are closed because of wildlife buffers, to allow access to other areas that are open."

The Senate committee initially planned to mark up S 486 as introduced on May 16 but Chairman Ron Wyden (D-Ore.) pulled the measure from the committee agenda in part at the request

of NPS Director Jon Jarvis.

"Almost overnight the Hatteras bill has become a bit more controversial," said Wyden at the time. "The director of the National Park Service wrote me late yesterday to say the Park Service strongly opposes the bill."

Wyden worked with Burr and ranking Senate Energy Committee Republican Lisa Murkowski (R-Alaska) to forge the compromise.

At issue is a final Park Service rule of Jan. 23, 2012, that governs ORV use in the seashore. The Obama administration published the rule after four years of debate about a Bush administration strategy of June 2007 that kept most of the seashore open to ORVs.

The January NPS rule would keep 28 miles of the seashore open to ORV use but close 26 miles.

The House bill would mandate the substitution of the 2007 rule for the 2012 rule.

Obama talks of taxes for highways, climate change aid

Once again in his State of the Union address last week President Obama called for a "grand bargain" on tax reform to help pay for improvements in the nation's roads and water resources.

The improvements include by definition a new water resources bill now pending in Congress and a multi-year surface transportation bill that is stalled in Congress. Whether Congressional Republicans would be willing to boost taxes to pay the tab and to give Obama a political victory is stretching it.

The White House said the President "stands ready to work with Congress on a grand bargain for middle-class jobs that pairs comprehensive reform to simplify our business tax code with investments to rebuild America's infrastructure that create more good construction jobs that

our economy needs right now."

Obama made the hour-long State of the Union speech January 28. Perhaps his foremost outdoor recommendation was a strong hint that he would use the Antiquities Act to protect public lands over the next year.

Obama said he would protect places where energy development is not appropriate. "The President believes that we must encourage energy development in the right ways and in the right places, but he also recognizes that there are some places that are too special to develop," he said. "That is why the President will use his authority to protect some of the places that Americans love most, even as we continue to develop energy resources elsewhere." (See related article page one.)

Among his other major recommendations was a reinvigoration of his climate change program, without the big bucks. Shortly after Obama assumed office Congress went to work on bills that would have allocated billions of dollars in climate pollution fees to conservation. But that campaign died out under criticism from both Democrats and Republicans.

Still, during his address last week the President said, "Over the past eight years, the United States has reduced our total carbon pollution more than any other nation on Earth. But we have to act with more urgency - because a changing climate is already harming western communities struggling with drought, and coastal cities dealing with floods."

Presently, under normal appropriations Congress finances dozens of climate control programs affecting the outdoors in most federal agencies.

Indeed the Interior Department has adopted a *Climate Change Adaptation Plan for 2013* that poses a soup-to-nuts approach to reducing green house gases. As the Interior Department's fiscal year 2014 budget says, "This plan facilitates the Department's internal efforts to adapt natural and cultural resource management activities to changing

conditions, avoiding or minimizing impacts to people and built assets, working with Tribes in adaptation efforts, and providing scientific information and tools to support a range of activities and programs in the face of climate change."

The Forest Service has also undertaken a number of initiative to adapt to climate change, led perhaps by an Integrated Resource Restoration (IRR) plan to combine a timber sale line item with line items addressing 1) vegetation and watershed management, (2) wildlife and fisheries, (3) urban interface of wildland fuels reduction, (4) Legacy Roads and Trails, and (5) road decommissioning. However, Congress has been reluctant to pay the freight.

WRDA: The most imminent infrastructure initiative is pending legislation that would authorize major water resource projects, including a handful to abet the Everglades restoration program. The House approved its Water Resources Development Act (WRDA) bill on Oct. 23, 2013, by an overwhelming 417-to-3 margin. The Senate passed its measure on May 15, 2013, by an 83-to-14 margin.

A conference committee has been circling a final agreement for the last few months.

In total the House bill would authorize \$8 billion in expenditures and the Senate \$12 billion. However, the House Transportation Committee says its bill would deauthorize \$12 billion in old projects, effectively paying for itself.

Despite the overwhelming House and Senate WRDA votes conservative organizations have launched a determined last-minute campaign against the measure. Groups such as the Heritage Foundation are demanding changes that would effectively have a House-Senate conference committee gut the bill.

Although the House and Senate bills differ on crucial provisions, on perhaps the lead outdoor issue - authorization of the next generation of projects to restore the Everglades

ecosystem - they are in substantial agreement. The House bill would explicitly authorize four Everglades projects that would cost more than \$1.8 billion. Half of the \$1.8 billion would come from federal money and half from State of Florida money.

SURFACE TRANSPORTATION: Congress is further behind in the writing of a surface transportation bill to replace the existing law, Moving Ahead for Progress in the 21st Century Act (MAP-21), PL 112-141 of July 6, 2012. The House Transportation Committee, the Senate Environment and Public Works Committee and money-raising committees have yet to address new legislation.

But Obama is giving encouragement to a payment scheme to finance a highway bill that would include tax revenues from corporations that have hidden billions of dollars in foreign countries that agree to bring their money home. (See separate article page 7.)

House Republican not totally averse to LWCF land buys

A staunch western conservative last week had good words to say about federal land acquisition under the Land and Water Conservation Fund (LWCF), sort of.

On introducing a bill (HR 3962) that would use LWCF money for recreation access to public lands January 29 Rep. Steve Daines (R-Mont.) said, "There is strong, bipartisan agreement that the Land and Water Conservation Fund can play an important role in increasing access to these lands."

But we said "sort of" because Daines's bill would not necessarily increase appropriations for LWCF. It would simply require that 1.5 percent of appropriations be spent on hunting, fishing and other rec access to public lands. That would not increase the total LWCF appropriation.

Still, kind words from a western Republican for LWCF contrast with the recommendation last year by the House subcommittee on Interior and Related

Agencies that LWCF receive no funding, period, in fiscal year 2014. Congress did agree finally to appropriate \$167.4 million for the federal side of LWCF.

If Daines's bill had been in effect \$2.5 million of the appropriation would have been used to acquire land for access to public lands for sportsmen.

Daines posed the problem this way: "But almost 2 million acres of public lands in Montana are inaccessible to the public. Three other States - Wyoming, Colorado and New Mexico - have more than 500,000 acres of inaccessible land to the public, and that is simply unacceptable."

HR 3962 is not the first bill to recommend use of LWCF money for access to public lands. Numerous such initiatives have been around for years. In this Congress two senators have introduced such legislation - Sen. Martin Heinrich (D-N.M.), S 1554; and Sen. Kay Hagan (D-N.C.), S 1660.

In fact Hagan introduced a package of sportsmen's bills (S 1996) February 4 that includes the 1.5 percent LWCF allocation.

It may or not be material but Daines is considered the leading Republican candidate for the seat of Sen. Max Baucus (D-Mont.) who has been appointed ambassador to China. Baucus has a long history of advocating for access to the public lands.

Going in the other direction, and despite the Daines bill, the House Natural Resources Committee approved two lands bills January 28 that would encourage the disposal of public lands. One measure, HR 2095 from Rep. Rob Bishop (R-Utah), would require BLM to prepare a database of lands suitable for disposal before BLM could acquire any more public lands.

The other bill, HR 2657 from Rep. Jason Chaffetz (R-Utah), would encourage BLM to sell public lands identified in a 1997 report as suitable for disposal. The public lands in the Chaffetz bill are located in Arizona, Colorado, Idaho, Montana, Nebraska,

Nevada, New Mexico, Oregon, Utah and Wyoming.

House panel passes Flathead bill to protect Glacier

The House Natural Resources Committee approved legislation January 28 to protect the North Fork of the Flathead River Valley in Montana as well as Glacier National Park.

Rep. Steve Daines (R-Mont.) is the chief sponsor of the bill (HR 2259) that was first introduced by Democratic Sens. Jon Tester (Mont.) and Max Baucus (Mont.) as S 255.

Both bills would withdraw a 430,000-acre area from oil and gas leasing and hard rock mining. The proposed withdrawal areas are located in the Flathead National Forest and the Lewis and Clark National Forest.

The Daines bill contains one provision not in the Senate bill - it would specifically say the legislation does not affect uses other than mining and energy development. "(N)othing in this Act restricts recreational uses, livestock management activities, or forest management activities allowed on the date of the enactment of this Act on the eligible Federal land in accordance with applicable law," says HR 2259.

The Senate Energy Committee approved S 255 on Sept. 10, 2013.

Daines said the legislation represents a rare point of agreement between Republicans and the state's Democratic senators. "This is the first time in 30 years the Montana delegation has supported lands legislation in a bipartisan, bicameral, unanimous way. I think Washington could take some pointers from how we work in Montana," he said.

It may or not matter but Daines is considered the leading Republican candidate for Baucus's seat. Baucus has been nominated ambassador to China. He has a long history of advocating for access to the public lands.

The Theodore Roosevelt Conservation Partnership (TRCP), a sportsmen's alliance, praised the House committee action. "Hunting and fishing are big business in Montana, and this legislation has bipartisan support from the entire Montana congressional delegation," said Joel Webster, director of the TRCP Center for Western Lands. "We applaud the House Natural Resources Committee's decision to move this bill one step closer to becoming law."

The North Fork of the Flathead River descends from its headwaters in British Columbia south into Montana, forming the western boundary of Glacier National Park. The river was designated a wild and scenic river in 1976.

While the river itself is protected from development the adjacent valley is not. And between 1982 and 1985 the Bureau of Land Management (BLM) sold 115 oil and gas leases covering 238,000 acres. Subsequently, BLM suspended the leases after the Ninth U.S. Circuit Court of Appeals in 1985 said the leases were issued without adequate environmental review.

Since then at the request of Baucus oil and gas companies have relinquished 76 of the leases covering 182,000 acres, according to the Forest Service, which manages the surface land in the area. BLM sells oil and gas leases.

In a similar battle in a separate area near Glacier conservationists are contesting in federal court plans of the Solenex LLC oil and gas company to develop leases in Badger-Two Medicine Region of the Lewis and Clark National Forest in Montana.

The petitioners fear that if the court allows Solenex LLC to proceed with development it will open the way for development of other leases in the area. Baucus and others have been attempting for years to prevent the drilling of leases within the 133,000-acre area with considerable success.

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The petitioners, led by the Earthjustice environmental law firm, said more than just the Solenex lease was at issue because the case "could affect not only the Hall Creek site but also other lease sites similarly situated in the Lewis and Clark National Forest."

Notes

Bill would open parks to paddlers.

The House approved legislation (HR 3492) February 6 that would direct the Park Service to insure that rivers in Yellowstone and Grand Canyon National Parks be kept open to river paddlers, but with some qualifications. As originally introduced by Rep. Cynthia Lummis (R-Wyo.) the bill would have directed NPS to open the rivers to "hand-propelled vessels" immediately. But the House Natural Resources Committee January 28 modified the bill to give NPS three years to write regulations to open the rivers, "as determined by the director of the National Park Service." The National Parks Conservation Association said that the great majority of rivers and lakes in the two parks are already open to paddlers and Congress should not interfere with the Park Service's determination to close the other areas. "Congress overriding the National Park Service is not the way to decide which uses may or may not be appropriate in these iconic National Parks. The legislation as written eliminates critically important rules that have protected these two national icons for more than 40 years," said Bart Melton, Yellowstone program manager of the original Lummis bill.

Second Schneider, Suh hearing.

The Senate Energy Committee held a second hearing February 4 on the nominations of two women to leading Interior Department posts - Rhea Suh as assistant secretary of Interior for Fish and Wildlife and Parks and attorney Janice M. Schneider as

assistant secretary of Interior for Land and Minerals Management. Suh is presently assistant secretary for Policy. Committee Chairman Ron Wyden (D-Ore.) endorsed the nominations. "I want it understood that I strongly support both of the nominees," he said. Committee Republicans, particularly ranking minority member Lisa Murkowski (R-Alaska), have questioned the nominees' qualifications. Moreover, Murkowski is furious about an Interior Department decision rejecting construction of a road across a wildlife refuge in Alaska to the community of King Cove. And, while Murkowski didn't identify specific steps she would take to gain revenge, it is speculated that she may place a hold on Interior Department nominees waiting Senate confirmation. The committee on January 16 did approve the nominations of Michal L. Connor, former Bureau of Reclamation Commissioner, as deputy director of the Interior Department; acting BLM Director Neil Kornze as BLM director; and Tommy Beaudreau as assistant secretary of Interior for Policy.

TWS faults wilderness bills. The Wilderness Society is taking issue with two wilderness bills approved by the House Natural Resources Committee January 28. The Society said the committee added provisions to the bills not agreed to by local communities that developed the legislation. The provisions would limit federal land management activities outside the wilderness, such as closing roads, and would bar the acquisition of inholdings within the wilderness. "We applaud the committee for moving these locally supported and broadly vetted bills along in the legislative process," said Jeremy Garnarz, senior director of Wildlands Designations with The Wilderness Society. "However, adding these last-minute poison pills is clearly an attempt to advance ideological agendas that undercut local communities and their good faith efforts to protect special places in their backyards." The bills include a Sleeping Bear Dunes National Lakeshore Conservation and Recreation Act in Michigan (HR 163) and a Pine Forest Range Recreation Enhancement Act of 2013 in Nevada (HR 433). Sleeping Bear Dunes is a unit of

the Park Service and the Pine Forest Range is part of the Bureau of Land Management.

Pilot bike program proposed. Two Democrats and two Republicans teamed up to introduce legislation (HR 3978) January 29 that would establish a \$12 million per year program to improve bicycle and pedestrian safety on city streets. The bill would authorize projects for the "construction, planning, and design of on-road and off-road pathways for pedestrians, bicyclists, and other nonmotorized forms of transportation to create a comprehensive and connected transportation system, including sidewalks, bicycling infrastructure and parking, pedestrian and bicycle signals, traffic calming techniques, lighting and other safety-related infrastructure, and transportation projects to achieve compliance with the American with Disabilities Act of 1990." Chief Sponsor Rep. Albio Sires (D-N.J.) said, "This novel approach will add another tool in the toolbox for mayors, governors, and private investors to reinvigorate their communities and develop a strong, vibrant middle class." By definition the bill would be a candidate for inclusion in an omnibus surface transportation bill later this year. *(See separate article on surface transportation on page 7.)*

FWS working on growth policy. Expansion by land acquisition does not appear to be a major goal of a new Strategic Growth policy published by the Fish and Wildlife Service (FWS) January 30. FWS said that land acquisition could cost between \$3.7 billion and \$24.5 billion. Given that restraint on expansion FWS said the draft policy would concentrate its "limited resources" on protecting threatened and endangered species, conserving migratory birds and waterfowl. FWS is taking comments on the draft plan through March 3 at this e-mail address: nwrstrategicgrowthpolicy@fws.gov. The draft policy is available at: <http://www.fws.gov/refuges/planning/StrategicGrowth.html>.

Ellis chosen for top BLM spot. The Bureau of Land Management (BLM)

has appointed BLM Idaho State Director Steve Ellis to its top career position. As deputy director for operations he will oversee management of the public lands. Acting BLM Director Neil Kornze made the announcement February 5. For his part Kornze received confirmation of his nomination from the Senate Energy Committee January 16, but the full Senate has yet to vote on it. Ellis has worked for 21 years as a line official in BLM and the Forest Service.

Boxscore of Legislation

Appropriations fiscal 2014 (All agencies)

HR 3547 (Lamar Smith). President Obama signed into law January 17 as PL 113-76. Law appropriates modest across-the-board increases for park and rec programs.

Appropriations Fiscal 2014 (Agriculture)

HR 3547 (Lamar Smith). President Obama signed into law January 17 as PL 113-76. Included in FY 2014 omnibus money bill.

Appropriations Fiscal 2014 (Energy and Water)

HR 3547 (Lamar Smith). President Obama signed into law January 17 as PL 113-76. Included in FY 2014 omnibus money bill.

Appropriations Fiscal 2014 (Transportation)

HR 3547 (Lamar Smith). President Obama signed into law January 17 as PL 113-76. Included in FY 2014 omnibus money bill.

Congressional Budget Fiscal 2014

HJ Res 59 (Rogers). President Obama signed into law December 26. Sets slightly higher spending limit than in fiscal 2014.

Land and Water Conservation Fund

S 338 (Baucus), HR 2727 (McKinley). Baucus introduced February 14. McKinley introduced July 18. Baucus would guarantee \$900 million per year to program in perpetuity. McKinley would guarantee state grants received at least 40 percent of annual appropriations.

Urban park fund

HR 2424 (Sires). Sires introduced June 18. Would authorize HUD grants and HUD loans to provide assistance to urban parks.

National recreation commission.

HR 1834 (Grijalva). Grijalva introduced May 6. Would establish a national recreation commission with members appointed by Congress and the White House.

National monuments

HR 250 (Chaffetz), HR 382 (Foxx), HR 432 (Amodei), HR 1434 (Daines), HR 1439 (Labrador), HR 151 (Pearce), HR 757 (Stewart), HR 1459 (Bishop), HR 1495 (Gosar), HR 2192 (Nunes), S 104 (Vitter), S 472 (Heller). House hearing April 16. Would require Congressional approval or state approval of national monuments under the Antiquities Act.

National heritage areas

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

Montana wilderness/recreation areas

S 37 (Tester). Tester introduced January 23. Would designate 666,260 acres of wilderness, six recreation areas totaling 288,780 acres and special management areas totaling 80,720 acres.

Farm bill

S 954 (Stabenow), HR 2642 (Lucas). House approved conference bill January 29. Senate approved conference bill February 3. Would establish new farm policy for five years and finance conservation programs.

Sportsmen's packages

HR 3590 (Latta), S 1996 (Hagan). House approved February 5. Hagan introduced February 4. Measures include numerous individual bills, including designation of public lands as open-unless-closed to hunting and fishing.

Hunting federal lands

S 170 (Murkowski), HR 1825 (Benishek). Murkowski introduced January 29. Included in sportsmen's packages above. House approved February 4. Would declare BLM and FS lands open to hunting and fishing unless specifically closed.

WRDA (Everglades)

S 601 (Boxer), HR 3080 (Shuster). Senate approved May 15. House approved October 23. Both would authorize new projects, including Everglades restoration.