

# Federal Parks & Recreation

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In this issue. . .

## **Jewell gets nod at Interior.**

*REI CEO supplies Obama with AGO champion and a woman. One of two AGO backers in line for job. GOP in waiting mode... Page 1*

## **Sandy NPS money may flow soon.**

*New law provides NPS with \$348M and FWS with \$78M. Statue of Liberty, Gateway marina among projects targeted early..... Page 3*

## **Sequester could hit parks hard.**

*Jarvis says in memo to cadre. Obama asks for postponement. Retirees foresee 'devastating' impact on NPS system..... Page 4*

## **Big names sign on for NPS meet.**

*Kemphorne, Dicks, Oberstar are among pols committed to event to find revenues for NPS..... Page 6*

## **Rec backers in line to head DoT.**

*Possible nominees to replace LaHood include Villaraigosa and Oberstar. MAP-21 problems.. Page 7*

## **Cell phones in parks plan faulted.**

*Concessioners working with NPS to expand service to major visitor areas. PEER hits proposal.. Page 9*

## **Rec planners prep for LWCF's 50th.**

*In 2015. Society to address this spring at annual meeting.... Page 10*

## **Pro-hunting bill back in Senate.**

*Although widely supported, other bills may constrain future.. Page 11*

**Notes..... Page 12**

**Boxscore of Legislation..... Page 14**

## **Recreation advocate Jewell chosen as Salazar successor**

The White House February 6 announced that President Obama will nominate Recreation Equipment Inc. (REI) CEO Sally Jewell as the next Secretary of Interior. She apparently edged out fellow Washingtonian and former Gov. Chris Gregoire (D).

Jewell, 56, has long been a major player in the recreation policy game. She introduced President Obama when he announced the America's Great Outdoors (AGO) initiative, his signature recreation proposal, at an event on April 16, 2010.

The Wilderness Society lavished praise on the nominee. "Sally Jewell is an outstanding choice to serve as the next Secretary of the Interior," said society President Jamie Williams. "She has been a tremendous leader for conservation at every level, from her support for the Obama administration's America's Great Outdoors program to her work on the Mountain to Sound Greenway in Washington State."

The American Recreation Coalition was equally enthusiastic. "She has invested heavily with her time as a leader on the America's Great Outdoors initiative, has supported use of the outdoors as a tool for better health and for stronger, sustainable communities," said coalition president Derrick Crandall. "And she has worked actively through REI, through recreation industry organizations and personally to connect younger, more urban and ethnically diverse Americans to our share legacy of parks, forests, refuges and other outdoor treasures."

But critics say Jewell has little experience in the hard core issues that a secretary must deal with - energy

development, hard rock mining, grazing and timber harvests. She did, however, work as a petroleum engineer for Mobil Oil Corp. early in her career.

Senate Energy Committee ranking Republican Lisa Murkowski (R-Alaska) said, in effect, she would wait and see. "The livelihoods of Americans living and working in the West rely on maintaining a real balance between conservation and economic opportunity," she said. "I look forward to hearing about the qualifications Ms. Jewell has that make her a suitable candidate to run such an important agency, and how she plans to restore balance to the Interior Department." The energy committee will take the Senate lead in the confirmation process.

Committee chairman Ron Wyden (D-Ore.) was more enthusiastic. "Sally Jewell is an inspired choice to lead the Interior Department," he said. "Her experience leading a nearly \$2 billion outdoor recreation company, combined with her years of work in the financial sector (she is a former banker), puts her in a position to bring a new vision to the Interior Department."

Among other things Jewell is a vice chair of the National Parks Conservation Association (NPCA), which advocates for the national parks.

Said Tom Kiernan, NPCA president, "She is a collaborative leader who has worked tirelessly over the last decade to get kids and families outdoors and address the national parks' chronic funding needs. As the leader of one of our country's major outdoor retailers, Sally Jewell understands extremely well the connection between our economy, jobs, and well protected and funded national parks."

REI sells outdoor recreation gear, primarily for the human-powered side of the industry. It is the largest consumer cooperative in the country.

REI is a member of the human-powered rec alliance, the Outdoor Industry Association. Its president Frank Hugelmeyer said of Jewell, "Treasury secretaries are chosen

from the investment world, so it is appropriate that a Secretary for the Interior would be nominated from the outdoor recreation business world."

Gregoire also has a long record of support for outdoor recreation. She aggressively promoted the AGO initiative as chair of the Western Governors' Association in 2012. She launched a follow-on West-wide program called Get Out West!

Jewell and Gregoire were particularly attractive to the White House because the Obama administration is under attack for recently nominating mostly males to Cabinet posts.

The competition for a nominee to replace Secretary of Interior Ken Salazar who is leaving office at the end of March came down to two women from Washington. The question was, which one?

Before the announcement an REI spokeswoman told us Jewell would not comment on the possibility of being nominated. "She would not speculate on any kind of process the President may be going through right now," said Libby Catalinich, director of corporate communications for REI.

Asked if Jewell has been approached by the administration, Catalinich said, "I would not speculate on that."

Jewell and Gregoire joined a long list of national figures who were mentioned as possible nominees to replace Salazar.

Until Gregoire's and Jewell's names surfaced New Mexico senators - one former and one current - were the hot new candidates. In a kind of surprise former Sen. Jeff Bingaman (D-N.M.) gained support. As we reported in the last issue of *FPR*, a long-time aide to Bingaman said he had not heard his boss said he wanted the job, although he was fairly close to President Obama.

The other New Mexican was current Sen. Tom Udall (D). *The Washington Post* said Salazar recommended his nomination

to the White House. On the downside an Udall appointment would have left a vacant Senate seat that Republicans could well pick up. On the upside Udall like Bingaman might face a relatively easy confirmation vote.

Udall is the son of former Secretary of Interior Stewart Udall and nephew of former Rep. Morris Udall (D-Ariz.), who chaired the House Interior Committee for many years. And he is the cousin of Sen. Mark Udall (D-Colo.), chairman of the Senate subcommittee on National Parks.

Bingaman has overseen Interior Department policy for the last five years as chairman of the Senate Energy Committee. Both Bingaman and Udall would presumably enjoy a fairly smooth confirmation from their fellows in the Senate.

The confirmation process would NOT be automatic for most of the rest of the other rumored candidates - Rep. Raúl Grijalva (D-Ariz.), ranking minority member on the House subcommittee on Public Lands and the Environment; former House Appropriations Committee Chairman Norman Dicks (D); former Colorado Gov. Bill Ritter (D); Office of Personnel Management Director John Berry, a former top Interior Department official; and Salazar's deputy David Hayes.

Former Sen. Byron Dorgan (D-N.D.) presumably would also have been easily confirmed.

## **NPS eyes quick action on Sandy projects in N.Y. area**

President Obama signed into law (PL 113-2) January 29 legislation that allocates hundreds of millions of dollars for the restoration of national parks, wildlife refuges and historic sites damaged by Hurricane Sandy.

The law distributes directly \$348 million to the Park Service, \$78 million to the Fish and Wildlife Service, \$50 million to historic preservation, \$4.4 million to the Forest Service and more than \$1 billion to the Corps of Engineers.

And it appropriates to the Secretary of Interior an additional \$360 million to restore and rebuild parks and refuges.

The Park Service is already preparing restoration actions in Statue of Liberty National Park and Gateway National Recreation Area on the State of New York.

NPS Director Jon Jarvis and some of his top cadre told Statue of Liberty concessioners January 31 that money is now in the pipeline to begin restoration work on the currently closed unit. NPS has not estimated when the park will reopen. Hurricane Sandy of course devastated the Statue of Liberty (and many other National Park System units) on Oct. 29, 2012.

Similarly, the Park Service said it will help a concessioner reopen the Nichols Marina in Gateway National Recreation Area on Staten Island. The concessioner, Marina of the Future, is in line to receive \$1.4 million in insurance money.

Jarvis said NPS would use some of the \$348 million to supplement the concessioner's work, if needed.

During its consideration of the legislation January 15, the House approved one major park and rec amendment and rejected one. It approved an amendment from Rep. Rob Bishop (R-Utah) that forbids the use of any Interior Department or Forest Service money for land acquisitions. Bishop said land acquisition is superfluous to an emergency money bill. His amendment was approved 223-to-198. That amendment made it into the law.

The defeated park and rec amendment, offered by Rep. Dan Benishek (R-Mich.), would have required a 40 percent local match for Historic Preservation money, in contrast to the underlying bill, which will provide the \$50 million unmatched. The House defeated his amendment 208-to-212.

The Senate approved its initial version of a Hurricane Sandy bill (HR 1) December 28 with roughly the same

allocations as in the House bill. After the House approved its measure January 15 the Senate accepted it January 28.

In a related area the legislation includes no forest fire assistance money much desired by the West. The House joined the Senate in refusing to put up an extra \$653 million bill for fire-fighting expenses for the upcoming fire season. Republican critics argued that the fire aid was not germane to the Hurricane Sandy relief bill before them because the emergency was not imminent, i.e. the expensive fires would not come until summer.

The House also did not include in its bill a separate Senate-passed provision that would have allocated \$125 million in emergency watershed restoration assistance to burned areas.

Here's what the law does provide:

**Capital improvements DoI and FS:**

The Park Service will receive \$348 million. In its request for the money the Obama administration singled out for assistance Liberty Island, Ellis Island, Gateway NRA, and Fire Island units, but it also said national parks in Florida, North Carolina and Washington, D.C., should receive help.

The Fish and Wildlife Service will receive \$78 million primarily to repair damage in the E.B. Forsythe National Wildlife Refuge (New Jersey), the Long Island National Wildlife Refuge Complex (New York) and Prime Hook National Wildlife Refuge (Delaware).

The Forest Service will receive \$4.4 million to address damage to property, roads and trails at the Grey Towers National Historic Site and in the White Mountain and Monongahela National Forests.

**Interior Department prevention:**

The law appropriates \$360 million of flexible money to the Interior Department "to restore and rebuild national parks, national wildlife refuges, and other Federal public assets; increase the resiliency and capacity of coastal habitat and infrastructure to withstand storms and reduce the amount of damage

caused by such storms."

**Historic Preservation:** The law appropriates \$50 million for grants to states "to fund rehabilitation and restoration of historic properties." No local match will be needed.

**Corps construction/maintenance:** The law allocates \$4.281 billion to the Corps of Engineers for Construction (\$3.46 billion) and Operations and Maintenance (\$821 million).

## Would sequestration turn parks into 'ghost towns'?

NPS Director Jon Jarvis warned his top staff January 25 an impending February 28 budget sequestration could lead to widespread closure of park units and reduction in other operations.

In a memo obtained and made public by the Coalition of National Park Retirees Jarvis said, "We expect that a cut of this magnitude, intensified by the lateness of the implementation, will result in reductions to visitor services, hours of operation, shortening of seasons and possibly the closing of areas during periods when there is insufficient staff to ensure the protection of visitors, employees, resources, and government assets." The memo and related documents are available at <http://www.npsretirees.org>.

Coalition Chair Maureen Finnerty said the imposition of the anticipated five percent budget cuts (down from 8.2 percent) would be devastating. "This is very troubling and it has the potential to turn already budget-strapped national parks into ghost towns," she said.

"This would be devastating for America's national parks, for the nearly 300 million Americans who visit them, and for the irreplaceable natural and cultural resources the parks were established to protect," Finnerty added. "Additionally there will be steep impacts to the private sector - the hundreds of concession businesses operating inside of the parks, the stores operated by cooperating associations in park visitor centers,

not to mention the economies of the communities adjacent to parks and entire states that depend so heavily on both tourism and other spending done by the parks."

That's pretty much a worst-case analysis. Congress may devise some sort of spending agreement for fiscal year 2013 in a month or two after the February 28 deadline. Or it may head off the sequestration by reaching a spending agreement for fiscal 2013 before February 28, particularly given the political pressure that memos such as Jarvis's will create.

Indeed President Obama February 5 called on Congress to put together a stopgap budget deal to cover the next few months to avoid sequestration, without saying for how many months. He recommended a package of spending cuts and revenues increases, again without naming the cuts and taxes.

Jarvis's memo to his regional directors and associate and assistant directors was triggered by direction from the Office of Management and Budget (OMB) interpreting the impact of the budget sequestration law of August 2011 (PL 112-25). It calls for a reduction of \$1.2 trillion in spending over nine years, beginning with \$100 billion in indiscriminate cuts in fiscal 2013. On January 2nd Congress extended the original deadline for the first-year cuts from January 3 to February 28.

OMB originally projected 8.2 percent across-the-board cuts for fiscal 2013, but because the fiscal year is almost half over it has now reduced that to five percent. Additionally, OMB has advised agencies they may defer the cuts until late in the fiscal year, in the hopes that Congress will cancel, or reduce, the spending cuts by then.

Said one lobbyist, "OMB will allow agencies to backload cuts until later in the year, by which time agencies hope to have more money."

But a spokeswoman for the Coalition of National Park Retirees, Joan Anzelmo, told us the National Park System is so large, so diffused and

so complex that Jarvis can't delay. NPS must start implementing spending reductions now.

"According to NPS, the agency can't wait any longer to change its hirings, arrange seasonal employees and contract for services," she said. "It has no wiggle room. When you think of the huge Park Service physical resources that are in every state, the 300 million annual visitors, the facilities and the roads, they can't simply turn off the key."

Anzelmo said the agency has more than a decade of experience in allocating partial appropriations from temporary spending continuing resolutions, but this is different. "This year is much more severe," she said. "It's clear from talking to our colleagues throughout the park system this is going to be quite serious."

One NPS document obtained by the retirees itemizes the seriousness of the sequestration by parceling out spending cuts unit-by-unit. Sum up the retirees: "Ten of the most iconic National Parks facing severe cuts are: Yellowstone National Park (Wyoming/Montana/Idaho) \$1.75 million; National Mall and Memorial Park (Washington, D.C.) \$1.6 million; Yosemite National Park (California) \$1.43 million; Gateway National Recreation Area (New York) \$1.25 million; Grand Canyon National Park (Arizona) \$1.06 million; Independence National Historic Park (Pennsylvania) \$1.18 million; Great Smoky Mountains National Park (North Carolina and Tennessee) \$944,000; Everglades National Park (Florida) \$841,000; Shenandoah National Park (Virginia) \$622,000; and Mount Rushmore National Memorial (South Dakota) \$201,000."

In his memo Jarvis offers a little hope that Congress will act later this year to redress the sequestration. Speaking of seasonal employees he said, "For now, you should continue your seasonal hiring plans, but delay making offers. Hopefully, the budget issue will be resolved in time to allow you to complete your seasonal hiring."

In the memo Jarvis asks all regions to report back on their plans for budget reductions for all park units by February 11.

Here are some important dates in the overall budget battle:

**Sequestration deadline, February 27:** PL 112-25 mandates \$100 billion in budget reductions as of this date, unless Congress acts. OMB projects that as five percent cuts for the rest of fiscal 2013.

**FY 2013 appropriations expire, March 27:** A first-half fiscal 2013 spending resolution keeps the federal government in money through March 27, meaning an additional appropriations action will be needed by then, presumably with the sequestration reductions if no deal has been reached.

**FY 2014 budget request, no date:** The Office of Management and Budget says it can't meet a deadline of February 4 (today) for presentation of the fiscal 2014 budget request, but has offered no date certain for its submittal. Early March is a best guess.

**Congressional budget, April 15 deadline:** The House almost always prepares a Congressional budget, but the Senate has not for the last four years. Both bodies say they will prepare budgets this year.

**Debt ceiling, May 18:** President Obama signed a law (PL 113-1) January 6 that increases the federal budget ceiling until May 18. House Republican leaders had been demanding major budget cuts in exchange for an increase in the budget ceiling, and may do so again in May.

## **Big names lined up for NPS Centennial event in March**

Elite members of the outdoor community have committed to participate in an upcoming March 19 event to drum up financial support for the National Park System - short-term and long-term.

The committed include former

Secretary of Interior Dirk Kempthorne (Bush administration), former House Appropriations Committee Chairman Norm Dicks (D-Wash.), former House Transportation Committee Chairman James Oberstar (D-Minn.) and former Secretary of Agriculture Dan Glickman (Clinton administration).

Organizers hope that Senate subcommittee on National Parks Chairman Mark Udall (D-Colo.) will also participate. If and when the ideas being developed by the participants reach Congress, perhaps by June 1, Udall would by definition be one of the main Hill players. The leader in the House would be subcommittee on Public Lands and the Environment Chairman Rob Bishop (R-Utah).

Hosting the conference will be the National Parks Conservation Association (NPCA), the National Park Hospitality Association (NPHA), the National Park Foundation (NPF) and the Bipartisan Policy Center. The last is an influential consortium founded by former Republicans and Democrats of stature. The center, established by former Senate Majority Leaders Howard Baker (R-Tenn.), Tom Daschle (D-S.D.), Bob Dole (R-Kan.) and George Mitchell (D-Me.), attempts to forge compromises on major issues.

The event falls just after a February 28 budget deadline when the national parks are scheduled to experience major budget cuts from an appropriations sequestration. The sequestration could lead to closed parks and reduced services. (*See related article page 2.*)

The game plan at the event, to be held at the Bipartisan Policy Center's headquarters in Washington, D.C., calls for the park advocates to identify some 15 ideas for obtaining nonfederal as well as federal money for the parks. Then the ideas will be presented to sympathetic Congressmen from both sides of the aisle.

The participants will hear presentations in two areas - taxes and fees (entrance fees, penny for parks, historic tax credit, etc.) and partnerships (endowment, philanthropy,

destination marketing, etc.)

The hosts have invited luminaries from Congress, business, education and health fields. The schedule projects the drafting of firm recommendations over the six weeks after the meeting. That would be followed by the submittal of those recommendations to the White House and Congress for action this summer, if all goes as planned.

The ideas coming from a March meeting will probably not all be new, say the hosts. They will likely include the establishment of a national endowment to solicit nonfederal money for the parks and legislation to replace the Federal Lands Recreation Enhancement Act that establishes fee policy for federal park and rec agencies.

The March conference represents the latest step in an ongoing national campaign to restore and improve the National Park System in anticipation of its Centennial in 2016. Those initiatives begin with an Aug. 25, 2011, Park Service plan for the Centennial titled *A Call to Action*.

In it the Park Service described a laundry list of low-cost actions to improve the national parks. Among them is the recommendation of an endowment, with an emphasis on philanthropic contributions.

Working parallel with the Park Service on the Centennial is a summit of interest groups cochaired by NPCA, NHPA and NPF. The summit is cooperating with the Park Service to help spread the agency brand.

In a major action the three groups published the results of a national poll last August that demonstrates broad and deep support for the National Park System in the country. The poll was pointed very directly at Congress and Congressional support for the parks.

The pollsters - one Democratic and one Republican - are expected to attend. They are Geoff Garin, a pollster for Hart Research which advises Democrats, and Whit Ayres of North Star Opinion

Research which advises Republican candidates.

The summit has a website, [www.2016parksummit.org](http://www.2016parksummit.org). And the park partners have a website, <http://www.parkpartners.org>.

Here are a few of the white paper topics for the event and their projected presenter, in the two broad areas.

**Taxes, bonds and fees:** Five papers including a Highway Trust Fund penny-a-gallon allocation to parks, an estimated \$1.5 billion per year (presented by NPHA Counsel Derrick Crandall); and an increase in and restructure of entrance fees (presented by Outdoor Recreation and Park Services, LLC. head Destry Jarvis, brother of NPS Director Jon Jervis).

**Partnerships, concessions and philanthropy:** Ten papers including a National Park Foundation fund matched by Congress (presented by NPCA Senior Vice President Craig Obey); endowment (presented by the Friends Alliance); and fundraising events near parks (presented by Kempthorne).

## **Rec supporters among possible candidates to replace LaHood**

Secretary of Transportation Ray LaHood, who has overseen major reductions in transportation-related recreation, will not serve a second term.

He announced January 29 that he would stay on until a successor is confirmed. By our rough count as many as 17 names are being circulated as possible candidates, almost all of whom have supported transportation-related recreation in the past.

Leading the list of rumored nominees is Los Angeles Mayor Antonio Villaraigosa (D), who played a leading role in the development of the existing surface transportation law Moving Ahead for Progress in the 21st Century Act (MAP-21). The law (P.L. 112-141), signed by President Obama on July 6, 2012, provides money and authorization

for programs for two years.

Also on the list of candidates is former House Transportation Committee Chairman James Oberstar (D-Minn.) Oberstar was a major champion of transportation-related recreation, particularly programs related to bicycling.

Other possibilities include former Michigan Gov. Jennifer Granholm (D), former Pennsylvania Gov. Ed Rendell (D), Rep. Earl Blumenauer (D-Ore.) and Deborah Hersman. Hersman chairs the National Transportation Safety Board. Blumenauer is perhaps the strongest advocate of bicycling in the House and was considered a leading candidate for the secretary position four years ago.

But Villaraigosa may enjoy the inside track if only because he is backed by Sen. Barbara Boxer (D-Calif.) She was the principal author of MAP-21 in her position as chair of the Senate Environment and Public Works Committee.

For the outdoor community the top priorities of the next secretary will be coordinating the writing of a multi-year surface transportation bill with Congress and finding money to pay for that legislation, as well as for the existing MAP-21.

When Congress passed the \$105 billion, two-year MAP-21 it had to resort to gimmicks to pay for it because the traditional source of money, the gasoline tax, was not producing enough revenue. The federal gasoline tax has remained at 18.4 cents per gallon even while more fuel-efficient cars have reduced the number of gallons of gasoline used.

A direct increase in the gasoline tax is politically impossible, so transportation advocates hope that, over the next years, a hike can be wrapped into some sort of jumbo budget bill with all sorts of revenue hikes and spending cuts.

And supporters of the National Park System hope that any increase in the gasoline tax would set aside one penny per gallon for the parks,

or a total of \$1.5 billion, out of a projected 16 cents per gallon increase. In fact the National Parks Conservation Association, the National Park Hospitality Association and the National Park Foundation intend to discuss the tax at a conference next month (*see previous article.*)

While MAP-21 kept alive most park and rec programs, it also reduced total spending and made programs compete against each other for limited funds.

In one blow a final House-Senate conference committee dropped \$700 million per year for the Land and Water Conservation Fund for the next two years from a Senate-passed bill.

In another blow the conferees reduced spending substantially for transportation enhancements and Safe Routes to Schools programs. It lumped them into one new line item with the Recreational Trails Program and provided \$760 million per year for the line item. That's about a \$200 million decrease. In addition the programs must compete with each other and with other programs for the \$760 million.

Here are some other rec programs affected positively and negatively by MPA-21.

**Transit in the parks:** After supporting a Transit in the Parks program for seven years to the tune of \$165 million, Congress put up no money for it in the two-year surface transportation law.

The program still had \$13.5 million left in the pot for fiscal year 2012, but for fiscal 2013, this fiscal year, the spigot is off.

The Transit in the Parks program also applies to four other federal land management agencies, not just to the Park Service. The money was (is) applied to alternative transportation projects, such as rail, bus and nonmotorized systems (pedestrians, bicycles and watercraft).

**Recreational trails:** The highway bill protects the Recreational Trails

Program (RTP) by guaranteeing \$85 million per year. However, the bill would allow states to "opt out of the recreational trails program. . ." Florida and Kansas have opted out.

**NPS air tours:** The conferees dropped most of a 26-page Senate provision that would have greatly revised air tour policy over the national parks. Among other things the conferees left out Senate clarification of Federal Aviation Administration and Park Service responsibilities for preparing air tour management plans.

The final, brief air tour conference provision does two things: It establishes a new Grand Canyon noise standard and it allows Crater Lake National Park and Great Smoky Mountains National Park to deny air tour operations.

**Wallop-Breaux sport fishing program:** Extended for two years as is. The Interior Department budget estimates the program will provide \$642.5 million for sport fishing and other recreation programs in fiscal year 2013.

The money is derived from taxes on fishing equipment. States receive more than \$350 million per year in grant money for sport fishing alone from the Fish and Wildlife Service.

**Federal land roads:** The law provides \$240 million per year for the Park Service, \$30 million per year for the Fish and Wildlife Service, \$250 million per year for a Federal Lands Access Program, and \$450 million per year for tribal highways.

## **Proposal for cell phones in parks draws attack, support**

National park concessioners have drawn up a plan to provide cell phone service to most developed areas of National Park System units.

At a time of deep budget cuts in federal spending, the idea is to use money from the concessioners to provide a service NPS can't afford.

But the idea isn't going over well with the environmental group Public Employees for Environmental Responsibility (PEER). They charge the National Park Hospitality Association (NPHA) is trying to commercialize the park system, i.e. "Disney-fying" it.

"This is a disturbing stealth scheme to wire our National Park System," said PEER Executive Director Jeff Ruch, who objected to a lack of public input. "Experiencing the natural wonders of our national parks should not require a smartphone."

But Derrick Crandall, president of NPHA, said visitors are asking for cell phone access and the Park Service doesn't have the money to supply it because Congress is cutting appropriations, not increasing them.

Crandall said of Ruch, "At a time when budget sequestrations are going to kick in for him to be dismissive of our proposal is disappointing at the highest level. We are not talking about Disney-fying the parks. Cell phones are already available in lots of parks. Access is available in city parks."

He said the addition of cell phone service to park units is one of the 32 goals in the Park Service's own agenda titled *A Call to Action*, which guides NPS policy as the agency approaches its centennial in 2016.

PEER has also attacked NPS for effectively approving a cell phone tower in Yellowstone National Park before seeking public input. The park did solicit public comments on the tower and is now evaluating those comments, but PEER said the horse has already left the barn. Despite the criticism, the Park Service has not canceled the proposed Verizon tower in the Lake and Fishing Bridge areas of the park.

Yellowstone notes that the proposed cell tower is the only additional such facility allowed under a 2008 Wireless Services Communications Plan environmental assessment.

As for the national plan of the concessioners, PEER cited an October/

November NPHA newsletter as the source for the information.

In the newsletter NPHA said NPS Deputy Director Peggy O'Dell proposed a "pilot effort in five parks." NPHA apparently countered with a proposal to expand the pilot and install service in 11 parks.

NPHA's newsletter said the project would:

- "1) Provide a basic level of non-fee internet access at all major, developed visitor areas in the national park system.
- "2) Provide basic cell phone service at all major visitor areas in national park units, as well as along most roads and at major sites such as trailheads.
- "3) Deliver timely, park-focused information within national parks through smart phones, tablets and computers.
- "4) Give individual parks discretion on where cell phone service is available, and whether the service provides full or emergency-only service."

## **Rec planners begin beating drums for LWCF's 50th**

The Society of Outdoor Recreation Professionals has launched two new initiatives to round up support for the Land and Water Conservation Fund, as the fund approaches its 50<sup>th</sup> anniversary in 2015.

In initiative one the society will hold a roundtable to collect ideas on strengthening the often-constrained law as part of its annual meeting in Traverse City, Mich., in May of this year.

In initiative two, the society, made up largely of recreation planners, began on February 1 an on-line conservation about LWCF designed to assemble positive feedback on the fund. A memo on the initiative, provided to us by Dr. Glenn Haas, vice president of the society, says, "After June 2013, the

unabridged compilation of LWCF success stories and constructive comments will be a public resource accessible from the SORP homepage [www.Rec Pro.org](http://www.Rec Pro.org)."

LWCF, like all conservation programs, is up against it this year financially. Not only are western Republicans opposed to most federal land acquisitions, but also a budget sequestration law threatens to further reduce spending, effective February 28.

As an example of that hostility to LWCF, House Republicans January 15 successfully barred the use of Hurricane Sandy relief funds for acquisition of any federal lands. And the sponsor of the amendment, Rep. Rob Bishop (R-Utah), rides herd on LWCF as chairman of the House subcommittee on Public Lands. He does not, however, serve on the House Appropriations Committee. While the Bishop amendment did not single out LWCF (it mentioned just land acquisition) the message is the same.

During the House debate on the Bishop amendment Rep. Jim Moran (D-Va.) countered that the Park Service and the Fish and Wildlife Service may have needed land acquisition money to replace damaged facilities. The amendment carried 223-to-198.

The Land and Water Conservation Fund Act of 1965 established the fund from oil and gas royalties for use in acquiring conservation lands. Although the law authorizes the appropriation of \$900 million per year (half federal, half state) for LWCF, it does not guarantee \$900 million. So appropriators have the discretion to spend far less than that. And they do.

For instance for the first half of fiscal 2013 the federal side appropriation is based on a fiscal 2012 full-year allocation of \$186.7 million, well below the \$450 million authorized by law. The House Appropriations Committee has recommended \$51,578,000 for the entire fiscal 2013 and the Senate subcommittee on Interior Appropriations has recommended \$213 million.

For the first half of the state side in fiscal 2013 the appropriation

is based on a fiscal 2012 full-year allocation of \$45 million, again well below the \$450 million authorized by law. The House committee recommended \$2.8 million for the entire fiscal 2013 and the Senate subcommittee recommended \$45.6 million.

With that background the Society of Outdoor Recreation Professionals (formerly the National Association of Recreation Resource Planners) is searching for ways to strengthen LWCF. Haas said the society will pursue these two initiatives:

**LWCF conversation:** The society invites input from interested parties about LWCF successes at [www.Rec.Pro.org](http://www.Rec.Pro.org). Says its memo, "We are particularly interested in learning about the impact of an LWCF funded project - for example, how did the project impact youth, families, communities, schools, wellness, property values, economy, conservation of resources, environmental protection, resource stewardship, public values and engagement, or quality of life."

**LWCF 2015 Roundtable:** At its annual meeting May 19-23 in Traverse City, Mich., the society will host an LWCF 2015 Roundtable. LWCF stakeholders will offer their opinions on strengthening LWCF.

## **Hunting, fishing open-until-closed bill back in Senate**

Sens. Lisa Murkowski (R-Alaska) and Joe Manchin (D-W.Va.) last week reintroduced legislation to declare federal lands open to hunting and fishing unless specifically closed.

Their bill (S 170) would apply just to the Forest Service and the Bureau of Land Management. It would NOT affect lands managed by the Park Service and the Fish and Wildlife Service.

Although the Senate didn't vote on the legislation last year, the House did approve it as part of a package of wildlife bills. However, that House package included several provisions anathema to Senate Democrats and the

measure expired in the Senate Energy Committee.

Murkowski and Manchin said in a joint statement that Rep. Dan Benishek (R-Mich.) this year intends to introduce a House version of S 170.

The measure is straightforward. It would open Forest Service and BLM lands to hunting and fishing "subject to closures or restrictions if determined by the head of the agency to be necessary and reasonable and supported by facts and evidence for purposes such as resource conservation, public safety, energy or mineral production, energy generation or transmission infrastructure, water supply facilities, protection of other permittees, protection of private property rights or interests, national security, or compliance with other law."

Murkowski said she has made important changes in the bill this year to alleviate concerns of environmentalists who objected to provisions addressing the Wilderness Act and the National Environmental Policy Act. Last year's bill singled out wilderness or potential wilderness for inclusion in the open-unless-closed policy.

Said Murkowski on introduction of S 170, "My staff has worked diligently with environmental and conservation organizations such as the Wilderness Society and the National Parks Conservation Association to alleviate their concerns with previous versions of the bill by removing references to the Wilderness Act and the National Environmental Policy Act. Furthermore, this legislation specifically exempts National Park Units, National Wildlife Refuges and land held in trust for the benefit of Native Americans."

Neither S 170 nor any amendment based on it was included in an omnibus wildlife bill in the Senate that died at the end of the year on a procedural vote. However, Murkowski and Manchin had prepared an amendment to the wildlife bill, similar to S 170, in case they had an opportunity to offer it.

The broader wildlife bill would do such things as set aside 1.5 percent of federal Land and Water Conservation Fund money to provide access to federal lands for hunting and fishing. Introduced by Sen. Jon Tester (D-Mont.) in the last Congress, the measure was defeated Nov. 26, 2012, on the Senate floor by a vote of 50-to-44 on a budget point-of-order. Sixty votes were needed to overcome the point-of-order.

The House last year approved a quite different package of sportsmen's legislation (HR 4089) April 17 that would included the thrust of S 170, i.e. it would open public lands open to hunting and fishing, unless specifically closed. However, the measure included a number of other provisions that the Senate was sure to reject, and did, such as limitations on national monument designation.

## Notes

### **Buffalo Soldier bills introduced.**

Two senators and 16 House members introduced legislation (S 225, HR 520) this week to authorize a study of ways to commemorate the work of the African-American Buffalo Soldiers. In the late 1800s those soldiers, stationed in San Francisco's Presidio, essentially served as the nation's first park rangers. They patrolled, policed and helped build Sequoia and Yosemite National Parks. Said lead Senate sponsor Dianne Feinstein (D-Calif.), "This bill is the first step in memorializing the critical role the Buffalo Soldiers played in shaping our treasured National Park system. We must honor their contributions and make sure they are remembered by all." Rep. Jackie Speier (D-Calif.) is the lead House sponsor. Said Neal Desai, Pacific region associate director for the National Parks Conservation Association, "As we look to the 2016 centennial celebration of the National Park Service, diversifying our national parks to more fully reflect our shared heritage and cultural diversity is of paramount importance."

**Heritage area bills return.** Reps. Charlie Dent (R-Pa.) and Paul D. Tonko (D-N.Y.) introduced legislation (HR

445) February 1 that would designate a national policy and national standards for national heritage areas (NHAs). Republicans and Democrats alike have introduced such legislation over the last decade, to no avail. Under the present system NHAs are established when influential legislators attach riders to omnibus lands bills or to appropriations bills, no questions asked. Unlike last year Dent and Tonko made no formal announcement of the bill introduction. And unlike last year only Dent and Tonko introduced the bill; last year 30 House members signed up. Most recently, Congress established ten new NHAs in an omnibus lands law (PL 111-11 of March 30, 2009). Senators introduced two bills February 4 to designate individual heritage areas: Sen. Robert P. Casey (D-Pa.) introduced S 219 to establish a Susquehanna Gateway NHA in Pennsylvania and Sen. Dianne Feinstein introduced S 228 to establish a Sacramento-San Joaquin Delta NHA in California. Heritage areas usually consist of a mix of public and private lands with striking social, economic, historical and natural features. NHAs don't, in their entirety, quite rise to the level of national parks. However, some NHAs do actually include national park units within their borders. Once Congress designates an NHA, the Park Service works with local public and private partners to prepare a management plan.

### **Statue of Liberty still closed.**

Park Service leaders told restive concessioners January 31 that no date has been set yet for reopening Statue of Liberty National Park after it was shuttered by Hurricane Sandy. But NPS Director Jon Jarvis and some of his top cadre told the concessioners that money is now in the pipeline to begin restoration work and that contracts are being expedited. Hurricane Sandy of course devastated the Statue of Liberty (and many other National Park System units) on Oct. 29, 2012. The money was shaken free when President Obama January 29 signed an emergency appropriations bill (PL 113-2) that includes \$348 million in restoration money for the Park Service alone. According to a memo summarizing the January 31 meeting between NPS officials and concessioners, "All possible strategies for expediting

contracting and recovery work are to be pursued." The National Park Hospitality Association prepared the memo.

**Gateway marina gets a boost.** The Park Service last month reversed course and said it will issue a three-year emergency contract to a concessioner that may lead to the reopening of the Nichols Marina in Gateway National Recreation Area on Staten Island. The Park Service at first let the concessioner's old contract expire at the end of December and did not renew it because of the damage Hurricane Sandy did to the 350-boat slip marina. But NPS changed its collective mind and issued the new, three-year contract. "The National Park Service initially made the wrong decision, but I am glad that Mr. Jarvis has corrected the error and sees that allowing Nicholas Marina to rebuild is clearly the right thing to do," said Sen. Charles E. Schumer (D-N.Y.) Jarvis is NPS Director Jon Jarvis who met with Schumer and Rep. Michael Grimm (R-N.Y.) before the announcement. The concessioner, Marina of the Future, received \$1.4 million in insurance money after the hurricane and company President Robert Bernstein said he intends to open as many of the slips as possible before the summer season. Jarvis said NPS would use some of the \$348 million it received in a Hurricane Sandy restoration law to supplement the concessioner's work, if needed.

**Petrified Forest may expand.** The Conservation Fund said January 31 it has acquired 4,265 acres within the boundary of the Petrified Forest National Park in Arizona to expand the park. NPS Director Jon Jarvis said he expects the Park Service to acquire the land later this year, according to the fund. Known as the McCauley Ranch, the property will protect the viewshed of visitors as they drive into the park. The federal acquisition money is expected to come from the Land and Water Conservation Fund. The Conservation Fund bought the land with financial help from the National Parks Conservation Association. In 2011, the Conservation Fund acquired 26,000 acres for the park that helped expand it significantly. NPS then paid the Conservation Fund for the land.

**Three GOP monument bills are in.** House Republicans continue to attack the President's authority to designate national monuments from federal lands with legislation to curb that power. On January 29 Rep. Mark Amodei (R-Nev.) introduced the most recent bill (HR 432) that would require Congressional approval of national monuments in Nevada before a Presidential designation in that state could take effect. Rep. Virginia Foxx (R-N.C.) introduced legislation (HR 382) January 23 that would require state approval of monuments under the Antiquities Act before a Presidential designation could take effect. And on January 15 Rep. Jason Chaffetz (R-Utah) introduced legislation (HR 250) that would require Congressional approval of any national monument before a Presidential designation could take effect. As we have reported the big difference in this Obama administration compared to the last one is that the President no longer has to worry about re-election. He is free to offend any particular western state with large tracts of federal land that usually votes Republican, such as Utah or Wyoming. The President's national monument authority lies at the heart of the battle over protection of large-scale landscapes. The lead current monument recommendation came from a recreation industry's November request for a 1.4 million-acre Canyonlands National Monument adjacent to the Canyonlands National Park on Bureau of Land Management lands.

**Detroit closing 50 parks.** Detroit Mayor Dave Bing said January 31 that the city will close 50 parks this spring and that other city park and recreation centers face budget reductions. The city's perilous budget situation was the proximate cause, he said. Specifically, Bing blamed the City Council and the state for not coming up with \$6.2 million to keep Belle Isle Park operating. Belle Isle is a 982-acre park in the Detroit River managed by the Detroit Recreation Department. "Recreation is a fundamental function for all citizens, and a key to the quality of life in any city," said Bing, the former National Basketball Association star. "The inaction by City Council and resulting retraction

of the State's participation not only negatively affects Belle Isle, but also has significant impact on the City's other parks and services." The mayor's office said in addition to the 50 closures 38 units will reduce services, meaning such things as grass cutting will occur less frequently. States and cities across the country have slashed services, closed park units and laid off workers over the last four years.

**FS cancels Wyoming forest merger.**

The Forest Service said last month that it will not follow through on its plan to merge the Bridger Teton and Caribou-Targhee National Forests in Wyoming. Acting Region 4 Regional Forester Marlene Finley concurred with the recommendation of the two forest supervisors that the merger not go through. In October 2012 former Region 4 Regional Forester Harv Forsgren asked the two forest supervisors to consider a merger to save money and to operate more efficiently. Rep. Cynthia Lummis (R-Wyo.) said that local objections to the proposal persuaded the service to abandon the idea.

**FS begins work on planning rule.**

The Forest Service January 24 said it would begin implementing a landmark planning rule by preparing an assessment of resources in three California forests - Inyo, Sequoia and Sierra National Forests. The assessment represents a first step in writing individual plans for the three forests using a March 23, 2012, national rule as a guide. The service is testing the national rule in eight forests - the three in California and the Nez Perce-Clearwater National Forest in Idaho, the Chugach National Forest in Alaska, the Cibola National Forest in New Mexico, and El Yunque National Forest in Puerto Rico. Implementation will be conducted in three phases - (1) preparation of a resource assessment, (2) preparation of EISs and plans for individual forests, and (3) monitoring and revising plans. The national rule will govern the preparation of individual unit plans for the 155 national forests and 20 grasslands in the National Forest System. Those plans, required by the National Forest Management Act govern virtually all uses in the forests.

## Boxscore of Legislation

**Appropriations Fiscal 2013**

HR 6091 (Simpson). Congressional leaders agreed to base funding for all appropriations bills during the first half of fiscal 2013 on an August 2011 budget agreement. President Obama signed the six-month bill into law September 28 as PL 112-75. House committee approved full-year bill (HR 6091) June 28, 2012, with major spending cuts. Senate subcommittee Sept. 25, 2012, published draft bill with significantly more revenues than the House.

**Fiscal cliff 2003**

HR 8 (Boehner). President Obama signed into law (PL 112-240) January 2. Delays 8.2 percent appropriations cuts until February 27.

**Appropriations Fiscal 2014**

No budget request yet. OMB said administration would not meet February 4 deadline for budget submittal.

**National monuments**

HR 250 (Chaffetz), HR 382 (Foxx), HR 432 (Amodei). Chaffetz introduced January 15. Foxx introduced January 23. Amodei introduced January 29. Chaffetz would require Congressional approval of national monuments designated under the Antiquities Act. Foxx would require state approval. Amodei would require Congressional approval of any monument in Nevada.

**National heritage areas**

HR 445 (Dent). Dent introduced February 1. Would establish national policy and national standards for national 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 10 (Reid). Reid introduced January 22. Would establish new farm policy through 2018, complete with conservation programs.

**Hunting federal lands**

S 170 (Murkowski). Murkowski introduced January 29. Would declare BLM and FS lands open to hunting and fishing unless specifically closed.