

Federal Parks & Recreation

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In this issue. . .

Portman leading NPS 100 campaign.

Assembling a bill to mark the Centennial, perhaps with public-private fund. Senate GOP seen as key to measure's success. Both parties working on, so far.. Page 1

Gas tax gains new life on Hill.

Might assure money for highway-related park and rec projects. Key Republicans consider.... Page 3

NPS counts seven parks in omnibus.

Including Manhattan to remember development of Atomic Bomb. Fifteen NHAs get some help.. Page 4

LWCF advocates explore bill hopes.

With law due to expire soon the are evaluating new Hill players. Senate GOP may be crucial... Page 7

Hill leadership still unscrambled.

Murkowski and Bishop of course have taken over committees. Top sub leaders not named yet... Page 8

First FLREA bill is introduced.

Would exempt all disabled vets from rec fees. Opening salvo in campaign to renew law.... Page 8

Big new CEPP Everglades bill in.

Floridians hope Hill will okay new \$2 billion water project.... Page 10

Fire money still approps challenge.

Bill to shift emergency fire spending to disaster is in.. Page 11

Notes..... Page 14

Boxscore of Legislation..... Page 16

NPS Centennial legislation in the works in the Senate

Sen. Rob Portman (R-Ohio), who promises to be a key player in park and rec policy in this Congress, is preparing legislation to support the 2016 Centennial of the National Park Service, his office confirmed to *FPR*.

On background the Portman office said Senate Energy Committee Chair Lisa Murkowski (R-Alaska) and ranking committee Democrat Maria Cantwell (D-Wash.) are helping Portman, who is expected to chair the Senate subcommittee on National Parks this year.

Of importance the senators are assessing the advisability of using the legislation to establish a matching fund to allow citizens to contribute to upgrading the National Park System.

FPR has also learned that Portman and company may introduce a "marker" bill shortly to effectively announce their intentions. The marker bill may contain little if any substance but will identify the goals of Portman, Murkowski and Cantwell.

A broad alliance of interest groups called the National Parks Second Century Action Coalition is working with Portman and Cantwell on the legislation.

A member of the coalition, Emily Douce, budget and appropriations specialist with the National Parks Conservation Association (NPCA), said the legislation is still in the formative stage.

But she said the legislation for now is focused on a Centennial Challenge Fund - not an endowment - that would address a half-dozen areas to support the parks. An aide to Sen. Portman had

used the word "endowment" to describe the bill.

"We are hoping for bipartisan support for dedicated funding for a public-private fund to invest in the next generation of the parks," said Douce. She said the coalition has recommended that money be used to restore parks, reduce a maintenance backlog, contribute to good health and encourage a great diversity of visitors to the park.

Douce said the amount of money in a recommended fund is still in the works, but one starting point is an Obama administration recommendation of last year of \$100 million per year. At this point she said the interest groups and the senators were not talking about any other provisions in a bill.

In addition to NPCA the coalition includes conservation groups, historic preservationists, tourism and recreation groups.

Meanwhile, it is understood that President Obama may include a shout-out to the NPS Centennial in his State of the Union address January 20. That address may include some specific recommendations for new steps the administration can take internally to generate interest in the Centennial.

We note that the early Congressional interest in Centennial legislation is coming from the Senate Energy Committee and not from the counterpart House Natural Resources Committee. While the Republican leaders of that latter panel have generally supported the national parks, they have also been loath to support Obama administration initiatives.

And in its fiscal 2015 budget request the Obama administration took the lead on a Centennial program. It asked Congress for hundreds of millions of dollars for the Centennial. Ergo the House committee leaders, particularly chairman Rob Bishop (R-Utah), would likely resist the renewal of such a major administration recommendation.

But if the Republican Senate gins

up a major initiative under Portman's lead that is a whole other kettle of political fish.

Congress last month did approve modest boosts for the Centennial in a fiscal year 2015 appropriations law (PL 113-235 of December 16) and in an omnibus public lands bill (PL 113-291 of December 19.)

The appropriators approved \$25 million for NPS operations and \$10 million for matching endowment grants. That's new money.

The House-Senate appropriations bill conferees said the \$25 million is to be used "to strengthen visitor services, public safety, and infrastructure programs in anticipation of increased visitation leading up to the Centennial of the National Park Service in 2016."

Separately in the public lands omnibus Congress authorized the Treasury Department to mint \$5 gold coins, \$1 silver coins and half-dollar coins during calendar year 2016 for the Centennial.

The provision would also assess a significant surcharge on each minting - \$35 for each dollar coin, \$10 for each silver coin and \$5 for each half-dollar coin. By our math if all coins were sold, the program would bring in \$13,625,000.

In its fiscal 2015 budget request the administration recommended more than \$600 million in new spending for the NPS Centennial over three years.

Specifically, the administration proposed \$40 million in increased appropriations for the Park Service, and Congress covered most of that.

Under the administration plan the appropriations increase would be followed by legislation that would generate up to \$400 million per year from a new Congressional Centennial initiative. Finally, in the third prong NPS could compete for some of \$200 million per year in government-wide Opportunity, Growth and Security

Initiative money. That part didn't fly in Congress.

Some of the impetus for the attention to the Centennial is coming from a coalition of Park Service support groups led by the National Park Foundation, the National Parks Conservation Association and the National Park Hospitality Association.

Gas tax hike gains new life, but it's still a long shot

In a flash the idea of an increase in gasoline taxes to pay for the nation's surface transportation needs has gone from the outhouse almost to the penthouse.

Plummeting gasoline prices have prodded leading Republicans to say they no longer absolutely rule out an increase in the tax, although significant pockets of resistance remain. That includes Speaker of the House John Boehner (R-Ohio).

But even there Boehner lieutenant Rep. Thomas Cole (R-Okla.) is talking of a broader energy tax to pay the freight, if not a direct gasoline tax.

Finding revenue for a new surface transportation law is of course crucial for park and rec programs because when money is scarce leading Republicans demand transportation money be spent on roads and bridges, only. They object to allocating hundreds of millions of dollars per year to what Rep. John Mica (R-Fla.) once called "fluff," i.e. bike and pedestrian trails.

Under an existing surface transportation law, Moving Ahead for Progress in the 21st Century Act (MAP-21), an umbrella Transportation Alternatives Program receives \$720 million per year. That money is then relayed to such programs as Recreational Trails, Transportation Enhancements, Scenic Byways, and Safe Routes to School.

But MAP-21 expires May 31 and Congress is under the gun to come up with new money to pay for a multi-year

law. A Transportation Construction Coalition said last fall that federal data indicate that Congress will have to come up with \$7 billion more for highway and transit in the last four months of fiscal 2015 than the existing gasoline tax can raise.

And the coalition said that beyond fiscal 2015 Congress will have to find an additional \$16 billion per year above and beyond the gasoline tax revenues annually poured into the Highway Trust Fund.

In the early skirmishing about financing surface transportation programs both the Obama administration and House Ways and Means Committee Chairman Paul Ryan (R-Wis.) have recommended using money from overall tax reform.

For the last 20 years the gasoline tax has remained 18.4 cents per gallon, not even keeping up with inflation. Last year Rep. Earl Blumenauer (D-Ore.) introduced legislation (HR 3636) that would increase the tax by 15 cents per gallon over the next three years. He had one cosponsor, Rep. Thomas Petri (R-Wis.), but he has since retired.

Blumenauer said January 13 that he has identified eight senators from both parties who in recent days have said they were at least open to an increase in the gasoline tax and in some cases endorsed it.

He said he would reintroduce his bill from last year. "The states are doing their part. People are exploring innovative financing approaches involving the private sector. People are looking at create ways to design and build projects, but there is no substitute for the 25 percent of infrastructure funding that comes from the federal partnership."

Driving the talk of a gas tax hike is the decreasing price of gasoline, which has dropped from a national average of \$3.25 per gallon on Feb. 25, 2013, to \$2.19 per gallon this week.

Among those influential Republican senators quoted in the press last week that a gas tax hike is not out of the

question were Senate Finance Committee Chairman Orrin Hatch (R-Utah), Senate Environment and Public Works Chairman James Inhofe (R-Okla.) and Sen. John Thune (R-S.D.) Said Inhofe, "I just think that option is there, it's clearly one of the options."

Speaker of the House Boehner said at a press conference January 8 that he had never voted for a gasoline tax increase, but he did not rule it out. His ally Cole broached the idea of a broader energy tax in an interview with C-SPAN's Washington Journal last week. "You could actually maybe eliminate the gas tax which now only covers part of the vehicles and a shrinking number and go to a more baseline tax," he said.

By and large Democrats led by Blumenauer have been much more willing to consider an increase in the gasoline tax than Republicans.

Despite the talk of added revenues for surface transportation, a number of Republicans on both sides of the Hill have traditionally had it in for the Transportation Alternatives Program (TAP) and the trails, etc. it finances.

For instance, when a short-term transportation fix bill was on the Senate floor July 29, 2014, that extended MAP-21 through May of this year Sen. Mike Lee (R-Utah) introduced an amendment that would have repealed TAP. The greater goal of the Lee amendment, voted down 28-to-69, was to turn most responsibility for surface transportation over to the states. It would have reduced the gasoline tax from 18.4 cents per gallon to 3.7 cents.

NPS counts seven national park units in omnibus law

By the Park Service's calculations the big new omnibus public lands law (PL 113-291 of December 19) establishes seven new national park units.

NPS doesn't count the First State National Historical Park, Delaware's first national park, perhaps because most of the land was already designated a national monument.

Also by NPS's calculations the complex law extends and supports at least 15 National Heritage Areas (NHAs) until 2021.

That's just the tip of the iceberg because the measure will:

- * establish a new system of *cabin fees* on the national forests,
- * authorize a *Manhattan Project* National Park to commemorate the development of the Atomic Bomb (one of the seven parks NPS counts),
- * authorize a North Fork Watershed Act to protect Glacier National Park,
- * require a review of a *Cape Hatteras* National Seashore management plan,
- * add two important tracts to *Gettysburg* National Military Park,
- * establish a 200,000-acre Rocky Mountain Front Conservation Management Area in Montana,
- * authorize a *coin* to commemorate the Park Service Centennial, and
- * authorize a Blackstone River Valley heritage area in Rhode Island.

The Senate gave final approval December 12 to the bills. The House approved it December 4 by a vote of 330-to-119, the Senate by 89-to-11. Although Secretary of Interior Sally Jewell objected to a key provision of the bill that authorized a land exchange for a copper mine, the President signed it into law.

There was some uncertainty on the Senate floor. Sens. Tom Coburn (R-Okla.) and Ted Cruz (R-Texas), among other conservatives, promised to attempt to excise the 96 natural resources provisions in HR 3979. Coburn wrote Senate Minority Leader Mitch McConnell (R-Ky.) last month and threatened an all-out attack against the natural resources package. But supporters of HR 3979 prevailed on the Senate floor.

A wide range of interest groups endorsed the agreement, including the Independent Petroleum Association of America, the Public Lands Council, The Wilderness Society and other conservation groups.

Critics included not just conservative Republican senators, who

were worried about private property rights and an expansion of federal land, but also a half-dozen environmental groups.

The public lands package includes 96 individual items and covers 451 pages of the massive 1,648-page Defense bill.

This is about as far as an omnibus lands bill has gone since 2009 when President Obama signed into law the Public Land Management Act of 2009 (PL 111-11 of March 30, 2009). It included 2 million acres of wilderness, the establishment of a National Landscape Conservation System within the Bureau of Land Management, the designation of thousands of miles of wild and scenic rivers, and the designation of 10 national heritage areas at a price tag of \$103.5 million, among other items.

Here are summaries of key provisions in the new public lands package:

New national park Manhattan

Project: Designates a Manhattan Project National Park to commemorate the development of the Atomic Bomb. Section 3039. The designation is contingent on the completion of a management agreement by the Department of Energy and NPS.

House Natural Resources Committee Chairman Doc Hastings (R-Wash.) moved a stand-alone bill (HR 1208) through his committee April 24, 2013.

Sen. Maria Cantwell (D-Wash.) introduced a counterpart stand-alone bill (S 507), along with senators from Tennessee and New Mexico. Their states include potential park sites.

New national park Delaware:

Designates a First State National Historical Park in Delaware. The park commemorates Delaware's role in the country's history and as the first state to ratify the constitution. Section 3033.

Rep. John Carney introduced HR 703 on Feb. 27, 2013. Sen. Thomas R. Carper (D-Del.) introduced a counterpart Senate bill (S 347) that the Senate Energy Committee reported to the floor April 22, 2013.

NPS announced January 8 that Ethan McKinley, an official in the Northeast Regional Office of NPS, will serve as superintendent. He is currently chief of commercial services in the northeast region. He replaces former First State Superintendent Russell Smith, who recently retired.

New national park Valles Caldera:

Designates the Valles Caldera National Preserve in New Mexico as a Park Service unit, transferring the land from a Valles Caldera Trust, ending a decade of controversy over the trust's management of the land. The nine-member trust was an experiment in cooperative management of the 89,000 acres surrounded by the Santa Fe National Forest. Environmentalists had complained that the trust was not up to the complex job of managing the volcanic caldera and couldn't raise enough money to manage the site adequately.

New national parks other:

NPS said the following new units will be added to the National Park System, either immediately or when enough lands are purchased or donated to make a manageable unit: a Blackstone River Valley National Historical Park in Rhode Island; a Tule Springs Fossil Beds National Monument in the greater Las Vegas, Nev., area; a World War I Memorial on land now used for a Pershing Park in Washington, D.C.; a Coltsville National Historical Park in Hartford, Conn.; and a Harriet Tubman National Historical Park in Maryland and New York.

Forest Service cabin fees:

Supported by members of both political parties the popular cabin fee bill (HR 5476 by itself) replaces an existing law - the Cabin User Fee Fairness Act of 2000. That law based fees on Forest Service appraisals set at five percent of the market value. The House Natural Resources Committee approved the bill September 18. Section 3024.

The new provision will establish 11 tiers of fees from \$650 up to \$5,650. The Senate Energy Committee approved a counterpart bill (S 1341) on Dec. 19, 2013.

Said the National Forest Homeowners and Cabin Coalition, "The Cabin Fee Act ensures the continuation of recreation residence cabins on National Forest lands by implementing a fair and equitable permit fee system that can be efficiently administered by the USDA Forest Service."

Hatteras park plan: Approves a compromise on the future of a Cape Hatteras National Seashore management plan that governs off-road vehicle access to the shore. Section 3057.

The compromise will leave in place a Park Service plan, but will require a review of the plan. Democrats and Republicans, led by bill sponsor Sen. Richard Burr (R-N.C.), hashed out the compromise.

House Republicans would have straight-up reversed an NPS plan for the national seashore that reduced beach access to off-road vehicles. The House February 6 approved the legislation (HR 819) sponsored by Rep. Walter Jones (R-N.C.) The omnibus dropped the House proposal.

National heritage areas: The omnibus includes provisions that extend into 2021 15 existing national heritage areas (NHAs), according to the NPS count, although we only identified 12. Among the NHAs are the Delaware and Lehigh National Heritage Area, the National Coal Heritage Area, The Steel Industry Heritage Project, The Essex National Heritage Area, The America's Agricultural Heritage Partnership, The Ohio & Erie Canal National Heritage Corridor and The Hudson River Valley National Heritage Area. That's not an exclusive list. Section 3052.

The package does not include legislation (HR 445) that would establish a national policy for NHAs. Under the present system NHAs are usually established when powerful legislators attach riders to omnibus lands bills or to appropriations bills, no questions asked.

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.

Gettysburg expansion: The provision will add two tracts to Gettysburg National Military Park. The legislation, which has been around for several years, would add the Gettysburg Railroad Station and a 45-acre tract at the south end of the battlefield that hosted cavalry battles. The 45-acre tract along Plumb Run was the site of a cavalry encounter during the battle of Big Round Top. Section 3034.

Sen. Robert P. Casey, Jr. (D-Pa.) introduced the Senate bill (S 782). Rep. Scott Perry (R-Pa.) introduced a counterpart House bill (HR 1513, which the House approved January 13.

Montana forests: Will establish a Rocky Mountain Front Conservation Management Area in Montana from 195,073 acres of Lewis and Clark National Forest and 13,087 acres of Bureau of Land Management land where the front meets the plains. Section 3065.

Former Sen. Max Baucus (D-Mont.) introduced the lead bill (S 364). Said Rep. Steve Daines (R-Mont.), "I'm proud that we're taking historic steps today to protect some of our state's greatest treasures, expand the responsible development of Montana's energy resources, and expand and protect access to our public lands for generations to come."

NPS Centennial coin: Authorizes the Treasury Department to mint \$5 gold coins, \$1 silver coins and half-dollar coins during calendar year 2016 for the Centennial. Section 3055. This bill (HR 627 as a stand-alone bill) was approved by the House April 29.

The bill would also assess a huge surcharge on each minting - \$35 for each dollar coin, \$10 for each silver coin and \$5 for each half-dollar coin. By our math if all coins were sold, the program would bring in \$13,625,000.

LWCF advocates getting sense of new legislators, first

With major new players in place on Capitol Hill supporters of the Land and Water Conservation Fund (LWCF) are beginning to explore a strategy to persuade Congress to renew the law. LWCF is scheduled to expire at the end of September.

"There are a number of members from both sides of the aisle and both sides of the Hill who are champions of LWCF," said The Wilderness Society's Alan Rowsome, who cochairs an alliance promoting LWCF called the Land and Water Conservation Fund Coalition. "We will be looking to all interested members on a bipartisan basis across the aisle."

Asked if the Senate would take the lead, given the interest in renewing the program among Senate Republicans as well as Democrats, Rowsome said, "It remains to be seen. What action comes about is not clear yet."

One strategy as always would be to attempt to move a stand-alone bill similar to a measure that was introduced in both the House and Senate last year, S 338 from former Sen. Max Baucus (D-Mont) and HR 2727 from Rep. David McKinley (D-W.Va.)

Another strategy, as was often discussed in the last Congress, would include LWCF in a broader local government assistance bill. Such a measure would also reauthorize full funding for the Secure Rural Schools (SRS) and payments-in-lieu of taxes (PILT) county-assistance programs.

Sen. Ron Wyden (D-Ore.) was the lead proponent of that strategy when he chaired the Senate Energy Committee in 2013 and the Senate Finance Committee in 2014. But now that Republicans have taken charge of the Senate, Sen. Lisa Murkowski (R-Alaska) will chair the Senate Energy Committee and Sen. Orrin Hatch (R-Utah) the Senate Finance Committee.

Murkowski has run hot and cold on LWCF, occasionally criticizing the acquisition of federal lands but also

signing off on appropriations bills with new acquisition money.

Neither Murkowski nor Hatch were among the 46 senators sponsoring S 338 in the last Congress. Sens. Richard Burr (R-N.C.) and Lindsey Graham (R-S.C.) were the lone Republican cosponsors last year.

In addition Republican senators who signed letters requesting substantial funding for LWCF in fiscal 2015 were Burr, Susan Collins (R-Me.), Mike Crapo (R-Idaho), Kelly Ayotte (R-N.H.), Johnny Isakson (R-Ga.), Saxby Chambliss (R-Ga.) and James E. Risch (R-Idaho).

The possibility of a major county assistance/LWCF provision took a hit December 2 when House and Senate leaders abandoned the idea of a long-term tax bill in favor of a one-month extension of old tax provisions. That tax bill was widely viewed as one of the best opportunities for an LWCF rewrite.

At the same time westerners were asking Congress to revise SRS and PILT as long-term programs with guaranteed funding. PILT expired at the end of fiscal 2014 and SRS expired at the end of fiscal 2013. The last SRS payments were made during fiscal 2014. Congress did appropriate money for PILT in fiscal year 2015 but not for SRS.

A major tax bill is a very real possibility this year with both President Obama and House Ways and Means Committee Chairman Paul Ryan (R-Wis.) promoting it.

Wyden said on the Senate floor in September he would introduce two bills to keep LWCF going. One would extend LWCF for one year to give Congress time to pass a second, more comprehensive public lands policy bill that would reauthorize the program for a longer period.

In a fiscal year 2015 appropriations bill (PL 113-235 of December 16) Congress last month appropriated \$165.7 million for the federal side of LWCF, or \$21 million less than the \$187 million in fiscal

2014. For the state side of LWCF Congress appropriated \$48 million, or the same as the \$48 million in fiscal 2014.

Murkowski, Bishop take over as other new leaders emerge

As anticipated, Sen. Lisa Murkowski (R-Alaska) and Rep. Rob Bishop (R-Utah) will chair natural resources policy committees this year in the 114th Congress. Murkowski is heading the Senate Energy Committee and Bishop the House Natural Resources Committee.

Also as anticipated Murkowski will hold the power of the purse as chair of the Senate subcommittee on Interior and Related Agencies appropriations and Rep. Ken Calvert (R-Calif.) will chair the counterpart House subcommittee.

On the Democratic minority side of the Senate Energy Committee Sen. Maria Cantwell (R-Wash.) will serve as senior member. Her counterpart in the House National Resources Committee will be Rep. Raúl Grijalva (D-Ariz.)

Senate other: At the Senate Appropriations Committee Sens. John Cochran (R-Miss.) and Barbara Mikulski (D-Md.) have swapped places with Cochran now serving as chairman and Mikulski ranking minority member.

Serving as ranking minority member of the Interior and Related Appropriations subcommittee will be Sen. Tom Udall (D-N.M.)

The Senate Energy Committee has not formally announced subcommittee chairs yet, but Sen. Rob Portman (R-Ohio) is almost certain to chair the subcommittee on National Parks. Portman has already begun work on Park Service Centennial legislation.

Still to be decided are chairman and ranking Democrat on the Senate subcommittee on Public Lands, Forests and Mining subcommittee.

At the Senate Environment and Public Works Committee Sen. James M. Inhofe (R-Okla.) will wield the gavel

and former chair Sen. Barbara Boxer (D-Calif.) will serve as ranking Democrat.

House other: The House Natural Resources Committee has not chosen subcommittee chairs yet, but some panels have begun to sort out their leadership. For instance House Transportation Committee Chair Bill Shuster (R-Pa.) will continue in that position and Rep. Peter DeFazio (D-Ore.) will operate as ranking minority member.

The agendas: Murkowski promises to focus early and often on energy policy, having already moved a Keystone Pipeline System bill through committee. And she plans to write comprehensive energy legislation this year, her staff says.

Bishop is expected to be no less ambitious in the energy arena than Murkowski. He is also well situated to assemble a Utah public lands bill that would not only open portions of federal lands in the state to energy development but also set aside conservation lands.

Bishop helped fashion such a compromise for Daggett County on Oct. 21, 2013. That agreement could serve as a prototype for other negotiations ongoing in other Utah counties.

In addition Bishop is expected to take the lead again in writing legislation to replace the existing federal land recreation fee law - the Federal Lands Recreation Enhancements Act of 2004 (FLREA). Bishop wrote a prototype bill (HR 5204) last year.

First FLREA bill introduced, would give vets a pass

Seven senators introduced legislation (S 119) January 8 that would amend a federal recreation fee law to make all veterans with a service disability eligible for a lifetime free pass to federal recreation lands.

The bill, introduced under the lead of Sens. Jeanne Shaheen (D-N.H.) and Susan Collins (R-Me.), would presumably be incorporated in new legislation to replace the existing

fee law - the Federal Lands Recreation Enhancements Act of 2004 (FLREA).

The introduction of S 119 represents the opening salvo in the campaign to revise or extend FLREA for five or more years. Congress extended the old law through September 2016 in a fiscal year 2015 appropriations law (PL 113-235 of December 16). (Because agencies need a year to gear up for the following year's recreational visitation Congress will likely try to revise or extend FLREA this year.)

Last year, the House Natural Resources Committee took the lead in approving a bill (HR 5204) that would revise FLREA for five years. The bill, drafted by Rep. Rob Bishop (R-Utah), who will chair the committee this year, didn't make it to the House floor.

On introducing S 119 Shaheen and Collins didn't address FLREA at large, concentrating on their narrow bill. Under current law veterans with a 100 percent disability are eligible for a lifetime free pass to federal lands, including national parks. S 119 would extend that pass to any service-connected disability.

Said Collins, "From Acadia and the Appalachians to Yosemite and everywhere in between, our bill would allow Veterans to more easily engage in outdoor activities, which have been shown to help heal both the visible and invisible wounds of war."

Although the House Natural Resources Committee approved a version of a comprehensive rec fee bill last year, the panel left several issues unresolved. First and foremost the Obama administration is expected to criticize, if not oppose, HR 5204 because the measure would allegedly usurp agency authority to assess fees. The bill would do that by requiring Congressional approval of any individual area fee increases.

Also unresolved are discounts for senior citizens age 62 or older. For \$10 now seniors can buy a lifetime America The Beautiful Pass into all national parks and other land management

agency sites. The standard America the Beautiful fee is \$80 per year.

Some outdoor policy players have suggested a \$40 lifetime pass for seniors, others have suggested an increase in the age to begin the pass, and others have suggested just giving seniors a simple percentage discount each year.

HR 5204 punts on the issue, calling instead for a study by the Departments of Interior and Agriculture. We understand that both Republican and Democratic members of the committee are reluctant to give agencies carte blanche to increase fees, for fear they - the Congressmen - will be charged with increasing taxes.

Third, there is some unease about a provision that would return 90 percent of collected fees to a collecting site, instead of the 80 percent now. The fear there is that the big parks that collect the lion's share of fees will contribute less to sites that collect little if any fee revenues.

Finally, the committee bill did not include the Corps of Engineers despite general agreement among interest groups and politicians that the Corps should be part of the program.

HR 5204 has another, unresolved problem - opposition from backcountry users. Kitty Benzar, president of the Western Slope No-Fee Coalition, and company object to entrance and user fees on lands for which federal taxes already allocate hundreds of millions of dollars.

(Benzar says she has no quarrel with entrance fees to major federal sites, such as national parks.)

FLREA, as enacted on Dec. 8, 2004, as PL 108-447, Section 804, was only good for 10 years. An interim appropriations law (PL 113-46 of Oct. 16, 2013) extended it through Dec. 8, 2015. PL 113-235 of December 16 extends FLREA through December 2016.

FLREA produces about \$270 million per year in fee revenues and most of

the money is used to improve recreation facilities.

Floridians introduce big new Everglades recovery bill

Florida Republicans and Democrats came together January 8 to introduce legislation to authorize a \$2 billion Everglades restoration project that last year was left out of a Water Resources Development Act.

The project, the Central Everglades Planning Process (CEPP), would help increase water flows into the Everglades.

Sens. Marco Rubio (R) and Bill Nelson (D) teamed with Reps. Patrick Murphy (D) and David Jolly (R) to introduce legislation (S 120, HR 230) to authorize the project. Appropriations would have to be made separately after the authorization legislation was enacted.

The bill would authorize federal expenditures of \$950,875,000 and State of Florida expenditures of \$949,125,000.

Of the new CEPP project Sen. Rubio said, "No single effort is more important to the future of the Everglades than the Central Everglades Planning Project, and I hope Congress will move quickly to approve its authorization. It's not only a critical component to help ensure future generations can enjoy all the Everglades has to offer, but it is also a project that is essential to water management in Florida."

Rep. Murphy said roughly the same thing: "No single effort is more important to the future of the Everglades than the Central Everglades Planning Project, and I hope Congress will move quickly to approve its authorization."

The Floridians introduced their legislation just as an annual Everglades Coalition Conference in Key Largo wrapped up. Secretary of Interior Sally Jewell attended.

The conferees listed among their major accomplishments in 2014 a Corps of Engineers Dec. 23, 2014, final report on the CEPP project. The Congressional delegation had wanted to include the CEPP project in a June 10, 2014, Water Resources Development Act (PL 113-121) but could not until the Corps report was completed.

In addition to CEPP the coalition identified as a top priority in 2016 the completion of 2.6 miles of bridging over the Tamiami Trail highway to allow more water to flow into Everglades National Park. And the coalition called on the state to exercise an option to acquire 46,800 acres in the Everglades Agricultural Area by October of this year.

The new CEPP legislation and the environmentalists' conference comes on the heels of a June 27, 2014, report from the National Research Council that said a crucial element of the Everglades restoration project - increased clean water flow to the ecosystem's core - is falling dangerously behind schedule.

Unless Congress, federal agencies and the State of Florida step up with a major commitment to restoring the core, "redistribution of existing water may not be feasible until 2035 or beyond," said the council. Given the lengthy delays in implementing the overall Comprehensive Everglades Restoration Plan (CERP), authorized by Congress in 2000, "beyond" is a good bet. (Note, the total ecosystem cleanup goes under the acronym CERP and the new initiative under that anticipated in the legislation is CEPP.)

Further, said the council in the 350-page report written under the leadership of Jeffrey R. Walters, a professor at Virginia Tech University, construction on the restoration project at \$100 million per year won't be completed for four decades.

CERP, as authorized by a 2000 Water Resources Development Act (WRDA), was expected to cost \$7.8 billion and take 30 years to complete. That deadline has stretched out significantly and, as the National Research Council

said, completion may be decades away.

Of the CEPP project the council said, "The proposed (CEPP) plan seems reasonable and thoughtfully developed with substantial stakeholder input. Implementation of the plan would provide significant benefits to the remnant Everglades ecosystem, including more than 200,000-acre feet per year of new water flow to the central Everglades, . . ."

The June 10, 2014, WRDA authorized the following four CERP projects. However, appropriators and the State of Florida still must pony up money to pay for them:

- * Caloosahatchee River West Basin Storage Reservoir, \$626.6 million (\$313 million federal, \$313 million state),

- * Biscayne Bay coastal wetland, \$192 million (\$96 million each),

- * Broward County water preserve area, \$896 million (\$448 million each), and

- * C-111 Spreader Canal, \$175 million (\$87.5 million each).

The National Research Council report, *Progress Toward Restoring the Everglades*, is available at: http://www.nap.edu/catalog.php?record_id=18809.

Approps wrap: Little FY 2015 change, fire fight in FY 2016

A major complicating factor in putting together a fiscal year 2015 appropriations law (PL 113-235 of December 16) was figuring out how to pay for emergency fire fighting.

The appropriators punted on the issue, essentially requiring a line appropriations bill for the Interior Department and Related Agencies to continue to pay the freight.

But Reps. Michael Simpson (R-Idaho) and Kurt Schrader (D-Ore.) made clear January 6 that there will be a bipartisan campaign this year to move emergency spending out of line

appropriations into a separate category of disaster spending. They reintroduced a bill (HR `67) to do just that.

"Treating catastrophic wildfires like other natural disasters - such as hurricanes and tornadoes - means land management agencies can adequately prepare for the future without jeopardizing their annual funding," said Schrader.

Added Simpson, "The way we currently budget for fire is costing taxpayers and destroying our forests. Passing this legislation will have a significant and long-term impact on both our public lands and on our budget, allowing us to finally budget responsibly for wildfire suppression in a way that ultimately decreases firefighting costs by mitigating fire risk and making us better prepared for and more resilient against future fires."

The implications for conservation spending are major. The hundreds of millions of dollars that Congress must appropriate each year for emergency fire fighting come out of the Interior bill and draw money away from other purposes, such as conservation.

Simpson was the chief sponsor of a lead House bill (HR 3992) in the last Congress with 76 cosponsors. Only he and Schrader sponsored the new bill. All the western governors endorsed the legislation in June, according to the Western Governors' Association.

Meanwhile, the fiscal 2015 appropriations bill (PL 113-235 of December 16) roughly maintains fiscal 2014 spending levels for park and rec programs.

The Senate gave final Congressional approval to the bill (HR 83) December 13 by a vote of 56-to-40. The House had approved the bill December 11 by a fairly close 219-to-206 vote.

For the federal side of the Land and Water Conservation Fund (LWCF) the law appropriates \$165.7 million, or \$21 million less than the \$187 million in fiscal 2014. For the state side of LWCF it appropriates \$48 million, or the same

as the \$48 million in fiscal 2014. (See *related article page 7.*)

For Park Service operations the appropriators put up \$2.276 billion, or \$39 million more than the \$2.237 billion in FY 2014. That includes an extra \$35 million for the Park Service Centennial in 2016.

On the policy side the appropriators extended the Federal Lands Recreation Enhancements Act of 2004 through September 2016. That would allow federal land management agencies to charge for annual visitation passes next year. (See *related article page 8.*)

Appropriators did NOT include in HR 83 a rider to block enactment of a proposed Obama administration wetlands permit rule. The House on September 9 had approved a stand-alone bill (HR 5078) to stop the rule on navigable waters. Several House spending bills included the provision as a rider.

HR 83 was not a lock in either the House or Senate. Liberal Democrats joined conservative Republicans in criticizing the bill. The Democrats, led by Sen. Elizabeth Warren (D-Mass.), objected to a provision to make it less risky for bankers to sell derivatives. The Republicans, led by Sen. Ted Cruz (R-Texas), objected to the absence of a provision to stop an Obama administration immigration policy.

House and Senate appropriators reached agreement December 9 on the comprehensive fiscal year 2015 appropriations bill that would maintain most park and rec spending at fiscal 2014 levels.

Centennial: The appropriators approved extra money for the Park Service in anticipation of its Centennial in 2016, as requested by the Obama administration. They approved \$25 million for NPS operations and \$10 million for matching endowment grants. That's new money. (See *related article page one.*)

The House-Senate appropriations bill conferees said the \$25 million

is to be used "to strengthen visitor services, public safety, and infrastructure programs in anticipation of increased visitation leading up to the Centennial of the National Park Service in 2016."

Senate Finance Committee Chairman Ron Wyden (D-Ore.) acknowledged inclusion in HR 83 of the endowment grant money. "I am also glad that the National Park Service received \$10 million for the Centennial Challenge," he said on the Senate floor December 15. "As the National Park Service moves into celebrating its centennial, it is so important that our parks receive the care and attention they need."

In addition to the appropriations for the Centennial the administration asked authorizing committees to pony up more than \$600 million in new money. Congress has not acted on that part of the Centennial request.

Riders: True to their word appropriators struck numerous riders inserted in an Interior bill (HR 5171) by the House Appropriations Committee July 15. But they did not include an amendment that would limit EPA from completing a proposed April 21 rule that would expand the definition of a wetland subject to a Section 404 permit under the Clean Water Act.

The bill does include an amendment that forbids EPA from issuing a rule to regulate lead content in ammunition or fishing tackle.

However, the conferees did NOT approve House riders that would have forbid any federal agency from attempting to transfer water rights to the federal government on renewal of a permit.

In addition the appropriators did not block implementation of an administration National Ocean Policy, although they did demand numerous reports on past spending to implement the policy and anticipated future spending.

Finally, HR 83 does not include a

Senate rider to designate a Blackstone River Valley National Historical Park in Rhode Island. Instead, Senate subcommittee on Interior chairman Jack Reed (D-R.I.) secured Congressional passage Blackstone National Park in an omnibus lands bill (HR 3979).

The numbers: Here is a summary of the final appropriations bills, compared to Senate subcommittee recommendations of August 1, the House Appropriations Committee recommendations of July 15 and fiscal 2014:

LWCF FEDERAL: The appropriators agreed to \$165.7 million, compared to \$186 million recommended by Senate leaders, \$49 million approved by the House committee and \$187 million in a fiscal 2014 appropriations law.

LWCF STATE: The appropriators agreed to \$48 million, compared to \$48 million recommended by Senate leaders, \$46 million approved by the House panel and \$48 million in the 2014 appropriations law.

PARK SERVICE OPERATIONS: The appropriators agreed to \$2.276 billion, compared to the senators' \$2.279 billion, the House committee's \$2.269 billion and \$2.237 billion in fiscal 2014.

PARK SERVICE RECREATION AND PRESERVATION: The appropriators recommended \$63.1 million, compared to the senators' \$63.1 million, the House committee's \$52 million and \$52 million in fiscal 2014. (The big difference lies in National Heritage Area spending, a subset of rec and pres, as follows.)

NATIONAL HERITAGE AREAS: The appropriators recommended \$20.3 million, compared to the senators' \$20.3 million, the House committee's \$9.2 million and \$18.4 million in the fiscal 2014 appropriation.

PARK SERVICE CONSTRUCTION: The appropriators recommended \$138.3 million compared to the senators' \$138 million, the House committee's \$138 million and \$138 million in fiscal 2014.

PARK SERVICE HISTORIC

PRESERVATION: The appropriators recommended \$56.4 million, compared to the senators' \$66.4 million, the House committee's \$56 million and \$56 million in fiscal 2014.

STATE WILDLIFE CONSERVATION GRANTS: The appropriators recommended \$58.7 million, compared to the senators' \$58.7 million, the House committee's \$58.7 million and \$58.7 million in fiscal 2014.

NATIONAL FOREST SYSTEM: The appropriators agreed to \$1.494 billion, compared to the Senate leaders' recommendation of \$1.497 billion, the House committee recommendation of \$1.497 billion, and a fiscal 2014 appropriation of \$1.497 billion.

NATIONAL FOREST RECREATION: The appropriators recommended \$261.7 million, compared to the senators' \$259 million, the House committee's \$263.9 million and \$261.7 million in fiscal 2014.

NATIONAL FOREST TRAILS MAINTENANCE AND CONSTRUCTION: The appropriators recommended \$77.5 million, compared to the senators' \$77.5 million, the House committee's \$86.8 million and \$75 million in fiscal 2014.

BLM RECREATION: The appropriators recommended \$67 million compared to the senators' \$68.5 million, the House committee's \$63.9 million and \$66.9 million in fiscal 2014.

BLM LANDSCAPE SYSTEM MANAGEMENT: The appropriators agreed to \$31.8 million, compared to the Senate leaders' recommendation of \$34 million, the House committee recommendation of \$30.8 million, and a fiscal 2014 appropriation of \$31.8 million.

WILDLIFE REFUGE MANAGEMENT: The appropriators agreed to \$474 million, compared to the Senate leaders' recommendation of \$475 million, the House committee recommendation of \$477 million, and a fiscal 2014 appropriation of \$477 million.

FIRE FIGHTING: The conferees approved \$2.636 billion for the Forest

Service, compared to \$2.402 billion in fiscal 2014.

The conferees approved \$896 million for the Interior Department, compared to \$861.5 million in fiscal 2014.

Notes

Sarri nominated for DoI post.

Kristen J. Sarri, a veteran Washington, D.C., hand with a varied résumé, will be nominated as assistant secretary of Interior for Policy, the White House said last week. She has been serving as acting assistant secretary since Rhea Suh stepped down from the position three months ago. Suh had been nominated for assistant secretary for Fish and Wildlife and Parks but withdrew in the face of Republican opposition. She has since become president of the Natural Resources Defense Council. Among other things Sarri worked as associate director for legislative affairs in the Office of Management and Budget with the thankless job of helping to move the President's budget in Congress. She also served as an advisor on oceans and fisheries at the Department of Commerce. Finally, she once served as appropriations policy advisor to Sen. Jack Reed (D-R.I.) The Land and Water Conservation Fund Coalition Co-Chair Alan Rowsome praised the selection. "Her comprehensive knowledge of the Department of the Interior, depth of experience with budget processes and passion for America's public lands makes her an ideal candidate for this critical role at this pivotal time for Department of Interior," he said.

Flake fed lands open bill back.

Sen. Jeff Flake (R-Ariz.) reintroduced January 12 legislation (S 146) that would authorize state and local governments to pay to keep federal lands open in the event of another government closure. And it would authorize appropriators to pay back the states and local governments. The measure was prompted by the closure of all 401 national park units in the wake of the government shutdown in 2013 from October 1 to October 16. Several states - Arizona, Colorado, New York, South Dakota and Utah -

used their own money to keep national parks going. The bill would apply to national parks, wildlife refuges and national forests, but not Bureau of Land Management lands. "Public access to public lands benefits more than individual campers, recreational hunters, outdoors enthusiasts and memorial-visiting veterans; it is the economic lifeblood of many tourism-reliant communities across the nation," said Flake. "If public or private funds are offered to help keep national parks and other public lands open in the event of a government shutdown, the federal government ought to accept them, and quickly."

BLM certifies Utah Jeep race.

The Bureau of Land Management (BLM) State Office in Utah January 12 set restrictions on the use of 10 public lands routes for the largest four-wheel drive event in the country - the annual Jeep Safari. The event attracts some 1,000 Jeeps to public lands near Moab, Utah, each year over a nine-day period focused on Easter weekend. On Dec. 28, 2012, BLM approved a record of decision authorizing the event for ten years from 2013 through 2022. The January 12 notice sets conditions of that use for this year's event. Among other things BLM set aside seven routes for exclusive use of the event. And it limited three other routes to one-way travel. BLM said the setting aside of the seven routes and establishing one-way travel on three routes would actually limit environmental damage by confining the four-wheel vehicles to particular areas. The Safari is hosted by the Red Rock 4-Wheelers group that is headquarter in Moab. The group plans the routes.

FS cancels \$10M PR campaign.

The Forest Service January 6 gave up on a heavily criticized program to spend \$10 million for a nationwide public relations campaign to burnish its image. The service said in a statement to the *Associated Press* that it would not accept contract bids for the program. Forest Service employees had panned the program, according to the Forest Service Employees for Environmental Ethics (FSEEE) group. The employees objected to spending \$10 million for the campaign at a time when the agency's budget has

been squeezed by flat appropriations and by borrowing from line operations for fire fighting. The Forest Service PR plan anticipated spending \$2 million per year for five years. FSEEE said the likely front-runner for the contract was the Metropolitan Group firm. It has already received more than \$3.5 million to improve the public image of the Pacific Northwest and Intermountain Regions of the Forest Service, again according to FSEEE. In a possible related development the National Park Service in 2013 hired the Grey New York advertising company to promote the agency's brand as it approaches its Centennial in 2016. The Park Service will spend \$6 million on the Grey effort.

Emergency fire funding bill back.

Reps. Michael Simpson (R-Idaho) and Kurt Schrader (D-Ore.) reintroduced legislation (HR 167) January 6 to shift emergency fire-fighting money out of regular appropriations and into disaster appropriations. Although supported by every member of the House subcommittee on Interior and Related Agencies appropriations last year, the measure was not included in a final fiscal year 2015 appropriations bill (PL 113-235 of December 16). On reintroducing the proposal Schrader said, "Treating catastrophic wildfires like other natural disasters - such as hurricanes and tornadoes - means land management agencies can adequately prepare for the future without jeopardizing their annual funding." Added Simpson, "The way we currently budget for fire is costing taxpayers and destroying our forests. Passing this legislation will have a significant and long-term impact on both our public lands and on our budget, allowing us to finally budget responsibly for wildfire suppression in a way that ultimately decreases firefighting costs by mitigating fire risk and making us better prepared for and more resilient against future fires."

Grijalva hires Senate aide.

Ranking House Natural Resources Committee Democrat Raúl Grijalva last month named Senate Energy Committee staff member Meghan Conklin as his staff director. She joined the Senate committee staff in 2013. Before that she worked for the Interior Department

as associate deputy secretary working on such programs as the withdrawal of one million acres of public lands from mining to protect Grand Canyon National Park. Prior to that she worked with Grijalva when he chaired the House Public Lands subcommittee from 2004 to 2009.

Y'stone visitation second highest.

Yellowstone National Park hosted 3.5 million visitors in 2014, the second most ever, the park said January 9. Only 2010 saw more visitors, just over 3.6 million. The park said visitation in 2014 would have been higher but for limited oversnow access in December because of minimal snowpack. More statistic at: <https://irma.nps.gov/Stats/Reports/Park>.

PEER faults another NPS cell tower.

The environmental group Public Employees for Environmental Responsibility (PEER) January 8 objected to the Theodore Roosevelt National Park's placing a cell tower in the park. PEER said the tower is inappropriate in the wild lands of the park. The park is seeking public advice on the advisability of a new tower. PEER has been fighting a long battle with Yellowstone National Park over cell phone usage there. In November PEER faulted Yellowstone managers for not establishing enough cell-free zones. However, the Park Service and its concessioners have long maintained that the public demands connectivity. At an Oct. 20, 2013, discussion on marketing of the national parks hosted by the National Park Hospitality Association, marketing experts said that the millennial generation demands cell phone service in national parks, or else they won't visit the parks. Said Dave Bratton, managing partner of Destination Analysts, Inc., "I'm sure there are purists in this room that probably think that connectivity and the experience of a national park are antithetical, that they don't go hand-in-hand. But I'm telling you if you want to market to this generation you are going to have to throw that way of thinking out." NPS Director Jon Jarvis hosted the Park Service marketing event. However, PEER Executive Director Jeff Ruch said of a possible Roosevelt park cell tower,

"Encouraging people to watch Netflix or live sports while backpacking through the wildest Badlands should have Teddy Roosevelt spinning in his grave."

Boxscore of legislation (2014 wrap-up)

Full-year appropriations Fiscal 2015

HR 83 (Christensen). President Obama signed into law December 16 as PL 113-235. Roughly maintains fiscal 2014 spending. Includes PILT money. Does not include emergency fire-fighting account.

Congressional Budget Fiscal 2015

H Con Res 96 (Ryan). House approved April 10. Would stick with December budget agreement. Opposes LWCF guarantee. Opposes emergency fire-fighting account.

Omnibus

HR 3979 (McKeon). President signed into law December 19. Includes 96 bills including measures to designate several new and expanded national parks, including a Manhattan Project National Park, a Delaware National Park; revises Forest Service cabin fees, protects the Rocky Mountain Front, designates more than 200,000 acres of wilderness, and much more.

Federal land recreation fees

HR 5204 (Bishop). Not enacted. House committee approved July 30. No Senate action. Bishop would continue entrance fees, user fees and passes. Obama budget asks Congress to approve permanent law.

Land and Water Conservation Fund

S 338 (Baucus), HR 2727 (McKinley). Not enacted. Baucus introduced Feb. 14, 2013. McKinley introduced July 18, 2013. 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). Not enacted. Sires introduced June 18, 2013. Would authorize HUD grants and HUD loans to provide assistance to urban parks.

National recreation commission.

HR 1834 (Grijalva). Not enacted. Grijalva introduced May 6, 2013. Would establish a national rec 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) and S 2608 (Mikulski). None were enacted. House hearing April 16, 2013. Would variously require Congressional approval or state approval of national monuments.

National heritage areas

HR 445 (Dent). Not enacted. Dent introduced Feb. 1, 2013. Would establish national policy and national standards for heritage areas.

Montana wilderness/recreation areas

S 37 (Tester). Not enacted. Senate committee approved Dec. 19, 2013. 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). President Obama signed into law (PL 113-79) February 7. Establishes new farm policy for five years and finances conservation programs.

Sportsmen's packages

HR 3590 (Latta), S 1996 (Hagan), S 2363 (Hagan). Not enacted. House approved February 5. Hagan introduced February 4. S 2363 now on Senate floor. Measures include numerous individual bills, including designation of public lands as open-unless-closed to hunting and fishing, use of LWCF for sportsmen's access.

Hunting federal lands

S 170 (Murkowski), HR 1825 (Benishek). Not enacted. Murkowski introduced Jan. 23, 2013. Included in sportsmen's packages above. House approved February 4. Would declare BLM and FS lands open to hunting and fishing unless specifically closed.