

Federal Parks & Recreation

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Senate barely rejects Burr amendment to extend LWCF

The vote wasn't entirely on the merits but the Senate January 29 rejected legislation to make the Land and Water Conservation Fund (LWCF) permanent in its existing form.

Senate Republican leaders said the proposed amendment (SA 92) to a Keystone Pipeline System bill (S 1) should not pass because major structural reforms in LWCF should be made before the law is extended.

The vote was extraordinarily close, 59-to-39, with 60 votes needed to pass. Sen. Richard Burr (R-N.C.) was the lead sponsor.

The Senate rejected by a more substantial vote a "sense of the Senate" amendment (SA 246) urging "improvements" to the law before it is extended. The vote there was 47-to-51, again with 60 votes needed to pass. Sen. Steve Daines (R-Mont.) was the chief sponsor.

Sen. Michael Bennet (D-Colo.) made the case for extending LWCF as is. "If you really want to support LWCF you should support the bipartisan Burr amendment," he said. "The Daines amendment says LWCF should be a priority but then undermines the program by suggesting something is wrong with it."

Bennet added, "For once we have a program where there is nothing wrong with it. It has been one of our nation's most successful conservation programs for 50 years, funding programs in every state and literally in every single county in the United States. We don't need to overhaul LWCF, we just need to reauthorize it and let the program's proven track record of success continue."

Although Senate Energy Committee

Chairman Lisa Murkowski (R-Alaska) said her committee would make reauthorization a "priority," she said the program should be revised in key areas before it is renewed.

"In order to ensure this program can be an effective tool for management, structural improvements are going to be needed," she said. "For example, I know that LWCF is being used to acquire inholding in national parks, national forests and wildlife refuges. Acquiring these inholdings can improve management. We should do more of these targeted land acquisitions."

Then she suggested a major, substantive change in LWCF - using program money for land management agency maintenance. "Another structural change I know some are interested in is to improve management by setting aside some of LWCF funding to address the combined maintenance backlog of federal land management agencies," she said. "We have a combined maintenance backlog of as much as \$22 billion, according to the (Congressional Research Service). We have issues related to that."

Murkowski voted against the extension of LWCF and for the sense of the Senate resolution implying changes need to be made.

The lead sponsor of the amendment to reauthorize LWCF, Sen. Burr, said the amendment would not change any laws. It was just intended to keep LWCF alive in its present form.

Existing law authorizes up to \$900 million per year for LWCF, but requires an appropriation. Burr and allies will strive to guarantee the money without further appropriation in future legislation.

Said Burr of his amendment, "I am sure the President (of the Senate) is aware that the program expires the end of September, and we can wait, but I don't think we should wait to reauthorize what I believe is, dollar for dollar, the most effective government program we have. We can save any kind of funding level fights for another day."

Daines was equally complimentary about LWCF. "The Land and Water Conservation Fund has been instrumental in increasing access to our public lands, growing opportunities for outdoor recreation and protecting wildlife," said the freshman senator. "There is great potential for the program to be used to improve the management of our existing Federal lands."

The campaign to reauthorize/revise LWCF is looking to the Senate first, where several Republicans provide bipartisan support, led by Burr. Other sympathetic Republicans in the past included Sens. 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).

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 (R-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, Murkowski will chair the Senate Energy Committee and Sen. Orrin Hatch (R-Utah) the Senate Finance Committee.

Murkowski has occasionally criticized the use of LWCF money to acquire federal lands but at the same time she has signed off on appropriations bills with new acquisition money.

A Murkowski spokesman had pluses and minuses to offer about LWCF. On the minus side, the amount. "LWCF is an

issue with funding at \$900 million per year," he said. "That's unsustainable. Sen. Murkowski has concerns that land managers have not fully funded maintenance for lands already under federal management."

On the plus side Murkowski, as she said on the Senate floor, is not among westerners who object to any and all LWCF acquisitions. "As to the issue of buying up inholdings and paying for land exchanges and the consolidation of lands, Congress is willing and able to support those acquisitions when supported by locals and state government," said the staff member.

The possibility of major county assistance/LWCF legislation took a hit last month when House and Senate leaders abandoned the idea as part of a long-term tax bill. Instead they approved 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 use the tax bill 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.

Senate rejects - barely - amendment to limit fed land

Even after the language was softened the Senate rejected January 22 by a 54-to-45 vote legislation to limit the designation of any new federal conservation lands.

As originally introduced Sen. Deb Fischer's (R-Neb.) amendment to a Keystone Pipeline System bill (S 1) would have required two major findings before federal agencies could add new land to their systems. One would determine if the addition would affect management of existing federal land and the other would determine if money were available to manage the new lands. Sixty votes were needed to pass.

Before the vote Fischer softened her amendment (SA 18) to say the Secretary of Interior should just "consider" the possibility of adverse impacts on lands and the availability of funds to manage the additions.

Said Fischer, "These are commonsense limitations that ensure the administration will not add more land to the Federal system without considering the impacts to the overall system and without sufficient funds to manage those resources effectively."

Fischer made the tie between her amendment and the Keystone bill's energy implications by asserting that energy production has increased more on state and private land than on federal land under the Obama administration. "By limiting Federal land designations, more land should continue to be held privately or managed by States and local governments, increasing the opportunity for productive and beneficial use," she said.

But environmentalists and their Senate allies objected that the Fischer amendment would serve as a disincentive

to add conservation lands to federal land management systems. (Besides, Republican leaders wanted to keep the bill clean.)

"The amendment offered by Sen. Fischer to the Keystone XL Pipeline legislation proposes to create major roadblocks for popular local programs like the Land and Water Conservation Fund that secures access to popular public lands for sportsmen, recreationists and all Americans," said Alan Rowsome, senior director of government relations for lands at The Wilderness Society.

Sen. Michael Bennet (D-Colo.) objected to the original Fischer amendment because he said critics of federal land acquisitions could game the system by reducing money available to land managers. "In fact, under the amendment, the opponents of protected lands could reduce funding for our land agencies through the appropriations process and then turn around and say the Secretary got a veto of the new proposals because sufficient resources aren't available," he said.

Sen. Benjamin Cardin (D-Md.) said the amendment would raise legal problems. "This amendment would open the courthouse door over disputes of whether to place worthy lands under protection because of challenges that there are not enough resources or certain issues were not considered ahead of time," he said.

In a related development, Sen. Richard Burr (R-N.C.) introduced an amendment (SA 92) to reauthorize the underlying program that finances the bulk of federal land acquisitions, the Land and Water Conservation Fund. The Senate defeated that amendment January 29 by a 59-to-39 vote. (See *previous article*.)

Sportsmen and Babbitt: Keep federal lands federal

A broad coalition of sportsmen said January 21 that they have begun an "aggressive campaign" to counter state efforts to obtain federal lands.

"America's 640 million acres of federal public lands provide irreplaceable fish and wildlife habitat and public access for hunting and fishing," said Joel Webster, director of the Theodore Roosevelt Conservation Partnership Center for Western Lands.

He continued, "Special interests in some Western states, however, are proposing that these lands be transferred to individual states. Sportsmen know firsthand that the transfer of these lands to individual states is not a legitimate option for addressing public land management challenges."

As *FPR* has often documented movements are afoot in several states to obtain federal lands. They include Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah and Wyoming.

Most notably, Utah passed a law in 2012 (H.B. 148) that lays claims to 31 million acres of federal land in that state. But the sportsmen say that states often employ policies for managing lands that are fundamentally different than the multiple use mandate governing federal lands.

Babbitt concurs: Former Secretary of Interior Bruce Babbitt entered the debate on the side of sportsmen January 22, warning against a broad national campaign to transfer federal lands to the states.

"Our public land heritage really is under attack," he told recreation businessmen and businesswomen at a Conservation Alliance event. "We've really got a crowd of uninformed, misguided politicians who are attempting to dismantle or abolish public lands and the agencies that administer them." The *Associated Press* published the quote.

Babbitt, who was also a governor of Arizona, served as secretary of Interior from 1993 to 2001. He was in Salt Lake City for the annual conference of the Outdoor Retailer Winter Market.

Incidentally, in 2013 the sponsors

of that event threatened to move the conference out of Salt Lake City if the state didn't protect public lands more aggressively.

The Utah situation: On December 31 the Utah law required the federal government to transfer title to the 31 million acres of federal land to the state. But don't hold your breath.

That deadline, according to an aide to Gov. Gary Herbert (R-Utah), does not mean the federal government had to physically begin transferring federal land to Utah on Jan. 1, 2015.

Rather, Herbert's office said the law just started the process. Alan Matheson, the governor's land and environment advisor, told us the law "does not specify a mechanism for the transfer." He said the (Utah) Public Land Stewardship Commission is developing recommendations on the process.

Said Matheson, "Everyone recognizes that if a transfer were to happen, it would be a complex process. In general, they are looking at negotiation, federal legislation and litigation."

The Utah law demands the transfer of more than 31 million acres of federal land, excepting only national parks (save for portions of Glen Canyon National Recreation Area), national monuments and wilderness areas.

In a new report the sportsmen said, "Rather, many states managed their lands to support specific beneficiaries and do not attempt to manage for multiple uses or to achieve conservation objectives. This description fires a warning shot to anyone who uses our public lands now: A change to state ownership will result in a radical conversion of the Western landscape."

The coalition has launched a new website at www.sportsmensaccess.org and their report is available at: <http://www.trcp.org/images/uploads/wyqwam/Locked-Out-Report-Sportsmens-Access.pdf>.

FS acts to add snowmobiles to ORV access travel rule

The Forest Service January 28 completed a new policy that directs field offices to write local guidance for the use of oversnow vehicles. Individual forests are to use the national policy to write the guidance.

The service is acting to comply with a federal court ruling.

In 2005 the service published a regulation that led to the designation of roads, trails and other areas that were either available to "off-road vehicles (ORVs)" or off limits to ORVs. However, that rule did not apply to snowmobiles and other oversnow vehicles.

Winter Wildlands Alliance, which represents backcountry winter recreationists, sued. On March 29, 2013, U.S. Magistrate Judge Ronald E. Bush in the District of Idaho ruled for the recreationists that the Forest Service could not exclude oversnow vehicles from the rule. Now the Forest Service has complied.

"The Forest Service always seeks to provide a wide range of motorized and non-motorized recreational opportunities," said Chief Tom Tidwell. "This policy maintains community input and local decision-making so that those with knowledge of local areas can decide how to best balance natural resource issues with legitimate recreational uses of national forest land."

The Forest Service says that it manages more than 200,000 miles of roads and 47,000 miles of trails that are open to motorized vehicles. The agency says the "roads and trails vary greatly, from single-track trails used by motorcycles to roads designed for high-clearance vehicles such as logging trucks."

The service says 40 percent of forests that accept snowmobiles already have guidance that conforms to the new agency policy. The new policy won't become final for at least 30 more days.

Judge Bush held in his decision

that a 1972 Executive Order 11644 from President Carter included oversnow vehicles in a mandate to regulate access to federal lands by ORV vehicles. Indeed the executive order does say that ORV "means any motorized vehicle designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or other natural terrain." Emphasis ours.

Judge Bush concluded, "In sum, the Court finds the (oversnow vehicle) exemption is contrary to law, specifically Executive Order 11644, as amended by Executive Order 11989, because Executive Order 11644 requires an agency to promulgate regulations that provide for designation of areas of use and non-use by off-road vehicles, including over-snow vehicles, on all public lands. By exempting OSVs from the 2005 Rule and purporting to make discretionary the threshold question of whether to designate the areas of use or non-use by OSVs, the Forest Service has not reasonably applied Executive Order 11644 in its promulgation of the 2005 Rule, or in its denial of WWA's Petition to Amend." WWA is the Winter Wildlands Alliance.

When judge Bush handed down his decision the alliance praised it. "We're pleased with the ruling and we look forward to working with the Forest Service and other winter stakeholders to establish management plans for winter motorized use that are consistent with vehicle use in all other seasons." said Winter Wildlands Alliance Executive Director Mark Menlove. "Our only regret is that it took a Federal lawsuit to bring the Forest Service to meet their legal obligation to manage motorized use in all seasons."

FY 2016 budget due; key GOP appropriator already upset

The Obama administration is not scheduled to introduce its fiscal year 2016 budget request until Monday (February 2), but the administration may already be in trouble with a top Congressional appropriator.

It deeply offended the keeper of the Senate budget keys, Sen. Lisa Murkowski (R-Alaska), January 27 by proposing to designate the oil-rich Arctic National Wildlife Refuge (ANWR) in Alaska as wilderness.

Murkowski will be well positioned to make trouble for the budget as chairman of the Senate subcommittee on Interior appropriations.

She didn't promise any specific retribution against the administration for the ANWR actions. But, she said, "I cannot understand why this administration is willing to negotiate with Iran, but not Alaska. But we will not be run over like this. We will fight back with every resource at our disposal."

Historically, Murkowski has taken relatively moderate stances on conservation spending, as has her counterpart as chair of the House subcommittee on Interior, Rep. Ken Calvert (R-Calif.)

For instance, Murkowski has occasionally criticized proposals to acquire federal lands but she has also signed off on appropriations bills with new acquisition money. She has been more sympathetic to proposals to buy up inholdings and to pay for land exchanges, her office says. *(See related article first page.)*

Also to be watched in the next budget cycle is emergency fire spending. In fiscal 2015 the Obama administration proposed to move spending for the really huge and expensive fires out of line appropriations and into a separate category of disaster spending. *(See related article page 13.)*

The implications of a fire-spending bill for conservation are major, not only because of the damage fires can wreak but also from a budgetary standpoint. For instance, the hundreds of millions of dollars that Congress often appropriates for emergency fire fighting come out of the Interior spending bill and draw money away from other purposes, such as conservation.

In fiscal year 2015 the administration laid out an ambitious budget for the Park Service Centennial and for the Land and Water Conservation Fund. Given President Obama's new policy of going all-out for conservation, next week's fiscal 2016 budget is expected to repeat those requests.

It is understood that the Centennial will be a major focus of the Interior Department budget.

Here's a brief recap of the President's fiscal 2015 - i.e. the last budget - for the Centennial and LWCF.

Centennial FY 2015: The administration recommended more than \$600 million in new spending for the NPS Centennial over three years. Congress appropriated \$25 million for NPS operations and \$10 million for matching endowment grants in a fiscal 2015 spending law (PL 113-235 of December 16). That's new money.

House and 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 a public lands omnibus bill (PL 113-291 of December 19) 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.

LWCF FY 2015: The administration made a strong pitch for full funding for the Land and Water Conservation Fund (LWCF) at \$900 million per year, as it always has.

However, the administration requested just \$187 million from *appropriations* for federal land acquisition and \$48 million from *appropriations* for state grants from the fund. That old 2015 budget would also have used LWCF appropriations for a group of other conservation programs managed by the Interior Department and the Forest Service.

Supplementing the \$350 million in regular appropriations, the administration asked for a guaranteed, permanent LWCF fund that would put up an additional \$550 million in fiscal 2015, for a total of \$900 million. Under the administration plan all \$900 million for LWCF would be guaranteed in fiscal 2016.

Congress appropriated a total of \$165.7 million for federal land acquisition and \$48 million for state grants. It ignored the request for guaranteed LWCF money.

McClintock to head key NPS panel, Gohmert gets role

The House Natural Resources Committee formally chose its subcommittee chairs January 28 and designated Rep. Tom McClintock (R-Calif.) as chairman of a new subcommittee on Federal Lands.

The subcommittee replaces a former subcommittee on Public Lands and Environmental Regulation. McClintock's district includes the Yosemite and Sequoia & Kings Canyon National Parks, as well as the Tahoe Basin, Tahoe, Eldorado, Stanislaus, and Sierra National Forests.

"The sound and rational management of our public lands to promote healthy forests and healthy local economies will be a top priority of the subcommittee, along with restoring access and enjoyment of these national treasures to their rightful owners - the American people," he said.

McClintock was a fierce critic of Yosemite leaders in recent years when they put together a management plan for the Yosemite Valley. He objected to

a proposed plan of Jan. 8, 2013, for advocating the removal of recreation amenities such as horseback riding, bicycle rental, swimming pools and an ice skating rink from that central tourist valley.

But when the park completed a compromise plan on Feb. 14, 2014, for the management of the Merced River, it relented in a number of areas demanded by McClintock.

So on final publication of the plan McClintock said, "I am particularly gratified that the final report has rejected radical proposals to close many traditional tourist amenities at the park, including swimming pools, raft and bike rentals, horseback riding stables, and ice skating and lodging facilities. The plan retains the historic Sugar Pine Bridge, maintains retail services to accommodate park visitors and minimizes the loss of campsites and parking - all significant improvements from the draft report."

On the Democratic side of the subcommittee Rep. Nikki Tsongas (D-Mass.) will serve as ranking member. She left no doubt she will place priority on conservation.

"We have a long-standing practice in the Commonwealth of preserving natural habitats and protecting open spaces for public benefit, and I will draw from that tradition as I take on this leadership role," she said.

As we have previously reported, 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. 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 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: Rep. Louie Gohmert (R-Texas) will chair a new subcommittee on Oversight & Investigations in the House Natural Resources Committee. And Rep. Cynthia Lummis (R-Wyo.) will serve as vice chair of the full committee.

Gohmert promised to make trouble for federal land managers. "Other Congress members have mentioned that bureaucrats at the EPA, Land Management (sic), U.S. Fish & Wildlife, and related bureaucracies are not likely going to be excited about having to be accountable and testify before me and my committee. Personally, I very much look forward to it myself," he said.

The agendas: Murkowski says she will 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.

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.

Murkowski to look at NPS, but not necessarily a big bill

Senate Energy Committee Chairman Lisa Murkowski (R-Alaska) will pay close heed to the management of the public lands this year, said an aide to the senator last week. But she is not necessarily committed to writing Park Service Centennial legislation.

As we reported in the last issue of *FPR*, Sens. Rob Portman (R-Ohio) and Maria Cantwell (D-Ore.) are drafting such legislation that may include a matching public-private fund to upgrade the National Park System.

Said Murkowski spokesman Robert Dillon last week, "Sens. Murkowski and (Tom) Coburn (R-Okla.) raised the issue of how we manage the public lands last year. I am sure it is going to be a focus of the committee this year."

But, he added, "I'm not talking of any specific legislation. The committee will be looking at the Park Service to see if changes need to be made in its management."

Portman and Cantwell 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 and Cantwell.

Sanders \$3 billion plan:

Separately, ranking Senate Budget Committee minority member Bernie Sanders (I-Vt.) January 27 proposed a \$15 billion infusion to deferred maintenance in the National Park System. The parks aid is part of a broader, \$1 trillion, five-year infrastructure bill (S 268) Sanders introduced.

The money would come from a National Infrastructure Development Bank that would put up \$3 billion per year for the parks for five years.

The Portman/Cantwell legislation is supported by a broad alliance of interest groups called the National Parks Second Century Action Coalition. The coalition is working with the senators in drafting the legislation.

As we reported in the last issue of *FPR* 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.

Douce 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.

In a related action, the Obama administration is expected to renew its commitment to the Park Service Centennial - and the management of all federal lands - Monday, February 2, when it introduces its fiscal year 2016 budget request. (See related article page 6.)

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 it. 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 different story.

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 law (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.

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.

Much Congressional talk of monuments, but little action

The Senate January 28 rejected legislation from Sen. Steve Daines (R-Mont.) that would have recommended that each national monument designation be subject to the approval of a state. The vote was 50-to-47 with 60 votes needed to pass.

Daines offered his nonbinding proposal as a sense of the Senate amendment to a Keystone Pipeline System bill (S 1) that is now on the Senate floor.

Daines said he offered the amendment in part to prevent President Obama from designating a national monument in Phillips County, Mont., in the path of the proposed pipeline. The county is located in north-central Montana and borders Saskatchewan, Canada.

Said Phillips County Commissioner Lesley Robinson, as quoted in a press release from Daines, "This is an important amendment - especially in light of the Bureau of Land Management listing parts of Phillips County that are in the Keystone XL pipeline's path as a prospective national monument designation, which would threaten the future of the project."

Said Daines on the Senate floor, "The amendment I am offering simply expresses the sense of Congress that all future national monument designations should be subject to consultation with local governance and the approval of the Governor of that State and the legislature of that State in which the designation would occur."

But The Wilderness Society's senior director of designations Jeremy Garncarz applauded the Senate for rejecting the amendment and criticized the intent of the amendment.

"We cannot put a price tag on amenities like parks, monuments and

wilderness, but removing protections from these lands is a direct attack on our nation's heritage and would rob our children and grandchildren of the opportunity to experience and explore the wild America that remains."

The Daines proposal (SA 132) is but one part of a long dispute over a President's authority under the Antiquities Act of 1906 to designate national monuments from public lands. Presidents Obama and Clinton have used the law to protect millions of acres as national monuments.

From the other side in the monuments debate the Senate January 22 defeated an amendment (SA 113) from Sen. Barbara Boxer (D-Calif.) extolling the merits of federal conservation lands. She listed several national monuments among the conservation lands. The vote was 55-to-44 with 60 votes needed to pass.

"Can my colleagues imagine America without Yosemite, Yellowstone, Grand Canyon, the Statue of Liberty, Natural Bridges in Utah, Scottsbluff in Nebraska, Muir Woods in California, Glacier Bay in Alaska?" she asked rhetorically. "These were all protected by Republican and Democratic Presidents, and in many cases, by Congress."

But much more legislation is being proposed by House and Senate members to slow or block the President's monuments power than to bless it. Much to the disgruntlement of environmentalists, Rep. Don Young (R-Alaska) led off the year by introducing legislation (HR 330) January 13 that would require Congressional approval of any national monument designation.

Two days after Young introduced his bill environmentalists distributed the results of a poll that said 69 percent of voters oppose Congressional efforts to block the designation of national monuments and wilderness areas. The poll was conducted in December by Hart Research.

"Many of our public lands - large landscapes and connected habitat - are safeguarding our drinking water supplies

and wildlife populations, and helping to minimize the changes happening on our planet," said Matt Keller, national monuments campaign director at The Wilderness Society. "Monuments also create homegrown jobs and improve our quality of life in America. By building on our legacy of open public lands, the Antiquities Act helps create healthy, economically-thriving communities to live and raise our families."

The Wilderness Society last year identified 25 wilderness and conservation bills that were hung up in Congress that Obama should designate as national monuments. But western Republicans say the public and local elected officials should have a say - if not a veto - in monument designations.

Sen. Mike Crapo (R-Idaho) introduced a bill (S 228) January 21 that would require not only Congressional approval of a national monument but also state approval. Like Young's bill, S 228 would apply nationally.

At the state-by-state level Rep. Mark Amodei (R-Nev.) introduced legislation (HR 488) January 22 that would require Congressional approval of any national monument in Nevada.

Trail advocates say roads law should include outdoors

Will recreation programs financed by the current surface transportation law be sacrificial lambs when (and if) Congress writes a new law this spring?

That's what some trail advocates fear. So they are proactively asking the public to speak out for those recreation programs.

Specifically, the Rails-to-Trails Conservancy last week recirculated the results of a poll it commissioned late last year that it says demonstrates broad public support for federal assistance for bicycling and pedestrian programs.

That poll, conducted by a team of Republican and Democratic pollsters,

holds that the public, when told that walking and biking programs only receive 1.5 percent of federal transportation dollars, overwhelmingly said such funding should at least be sustained. Sixty percent of Republican voters agreed, as did 87 percent of Democratic voters.

Under an existing surface transportation law, Moving Ahead for Progress in the 21st Century Act (MAP-21), an umbrella recreation-related Transportation Alternatives Program receives more than \$700 million per year. That money is then relayed to such programs as Recreational Trails, Transportation Enhancements, Scenic Byways, and Safe Routes to School.

Congress extended MAP-21 Aug. 8, 2014, through May 31 of this year with a temporary law (PL 113-159). That puts Congress under the gun to come up with a multi-year replacement for MAP-21 over the next four months.

And the key to a renewal of the law - and a key to the extension of recreation programs - is as always finding a source of money to supplement the dwindling gasoline tax.

In the early political scrimmaging this year a number of Republicans have begun to suggest they would consider the largely Democratic idea of increasing the gasoline tax. But such essential players as President Obama and House Ways and Means Committee Chairman Paul Ryan (R-Wis.) have ruled out a gasoline tax increase and have recommended instead using money from overall tax reform.

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.

Sanders new plan: Separately, ranking Senate Budget Committee minority member Bernie Sanders (I-Vt.) January

27 proposed a \$75 billion infusion into the Highway Trust Fund each year for the next eight years. The money is part of a broader, \$1 trillion, five-year infrastructure bill (S 268) Sanders introduced.

The money would come from a National Infrastructure Development Bank, which the Republican Congress almost certainly will reject out-of-hand.

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, 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.

Similarly, when the House approved a fiscal 2015 Transportation-only bill June 10, 2014, it voted to bar the use of the regional grant money called TIGER for bicycle and pedestrian trail projects. In a final version of HR the bill appropriators followed rejected the House proposal and placed no new restrictions on TIGER (Transportation Investment Generating Economic Recovery) grants.

At the same time the appropriators agreed to TIGER spending in fiscal 2015 of \$500 million, compared to a Senate committee bill recommendation of \$550 million and a House committee recommendation of \$100 million.

The Rails-to-Trails Conservancy (RTC) hired pollsters Christine Matthews of Bellwether Research (Republican) and Celinda Lake of Lake Research Partners (Democrat) to survey the public on transportation funding for trails.

The poll of 1,000 likely voters

was conducted last September and the results of the poll were published in December.

Of the results RTC Senior Vice President of Policy and Trail Development Kevin Mills said, "This proves that there is no real constituency for decreasing federal investment in biking and walking. Ahead of an expected transportation bill reauthorization battle next year, this is an important message for those who would seek to attack active transportation: 'Your constituents aren't impressed. This will not win you votes.'"

Bipartisan campaign to move emergency fire money is back

Supported by four Republican senators, Sen. Ron Wyden (D-Ore.) reintroduced legislation (S 235) January 22 that would move emergency spending out of line appropriations and into a separate category of disaster spending.

The implications of the bill for conservation are major, not only because of the damage fires can wreak but also from a budgetary standpoint. For instance, the hundreds of millions of dollars that Congress often appropriates for emergency fire fighting come out of the Interior spending bill and draw money away from other purposes, such as conservation.

The measure gained traction in Congress last year but didn't make it over the finish line. Leaders of the Senate subcommittee on Interior appropriations included the substance of the legislation in a draft fiscal year 2015 appropriations bill, but House appropriators did not include it in a counterpart bill.

Said S 235 cosponsor Sen. Mike Crapo (R-Idaho), "By properly budgeting for such extreme fire events, we not only fund fire suppression in a fiscally-responsible manner, but also we stop the destructive, cyclical practice of fire borrowing that only exacerbates the problem of over-stocked, unmanaged forests across the West."

The other three Republican cosponsors are Sens. Jim Risch (R-Idaho), Cory Gardner (R-Colo.) and Steven Daines (R-Mont.)

In the House Reps. Michael Simpson (R-Idaho) and Kurt Schrader (D-Ore.) introduced a House version of a bill (HR 167) earlier this month.

Simpson was the chief sponsor of a lead emergency fire 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.

In opposing the legislation last year House appropriators followed the recommendations of the House Congressional budget, which said that emergency fire money should come of existing appropriations. Republican leaders were and are concerned that they would lose control of emergency fire spending outside of the regular appropriations process.

The emergency-spending proposal, which follows an Obama administration recommendation, could free up many hundreds of millions of dollars per year for fire suppression and other appropriations bill needs.

As to the new House and Senate emergency fire bills a broad coalition that includes both conservation and timber groups as well as other interests endorsed it. From the timber industry Bill Imbergamo, executive director of the Federal Forest Resources Coalition, said, "We are pleased to see this bipartisan bill, and hope this Congress can take decisive action to solve a problem that everyone recognizes needs addressing. This is a fiscally responsible solution with broad support. Anyone who cares about our National Forests should get behind this bill."

Said Ani Kame'enui, forest expert for Sierra Club's Our Wild America campaign, "This bill is a welcome shift to long-term planning for fire that will greatly benefit our communities and our public lands. Effective fire management

requires not just funding for fighting current fires, but also for projects that will help reduce the risk of future megafires."

Notes

NPS will have Rose Bowl role.

The Park Service will be featured in the theme of the Tournament of Roses Parade on Jan. 1, 2016. The parade will sort of kick off the 2016 National Park Service Centennial. The Pasadena Tournament of Roses® said the theme will be "Find Your Adventure," a takeoff on the Park Service Centennial theme of Find Your Park. "We are delighted to form this historic partnership that will bring about a great level of visibility to the National Park Service on the first day of our centennial year," said National Park Service Director Jonathan B. Jarvis. "Our relationship is a tribute to our mutual commitment to engaging America's youth, supporting an ethic of volunteerism and embracing diversity of American culture." "As proponents of the American spirit, the Tournament of Roses encourages people to find beauty in the landscape that builds the backdrop of their lives," said 2016 Tournament of Roses President Mike Matthiessen. "By teaming up with the National Park Service, we hope to illuminate how communities across the country can uncover enriching adventures." Congress is also working on the Centennial legislation Sens. Rob Portman (R-Ohio) and Maria Cantwell (D-Ore.) are writing a bill that may provide money for the parks. (See *related article page 9.*)

Reinbold to head NPS partnerships.

The Park Service has selected the superintendent of national parks for western Pennsylvania, Jeff Reinbold, to lead both its partnership efforts and its Rails, Trails, and Conservation Assistance Program. His position is formally titled assistant director for partnerships and civic engagement. Reinbold gained plaudits for his work in overseeing the development and construction of a Flight 93 National Memorial that commemorated the September 11 attacks. Said Gordon Felt, president of Families of Flight 93, "The contributions by Jeff Reinbold to

the creation of the Flight 93 National Memorial have been extraordinary. His leadership enabled an unprecedented partnership of private citizens and government officials to come together to create a fitting tribute to the heroes of Flight 93." Reinbold has worked for the Park Service for 20 years. He will assume his new position in March.

Open public lands bill back. Rep. Dan Benishek (D-Mich.) reintroduced legislation (HR 528) January 26 that would declare public lands open to hunting and fishing unless specifically closed. The bill would apply to Bureau of Land Management and Forest Service lands. The House approved a predecessor bill Feb. 5, 2014, as part of a package of legislation to encourage hunting and fishing on public lands. The bill failed in the Senate. Benishek said last year his bill would prevent litigation from environmentalists seeking to block access to wilderness areas and other sensitive lands. "Over the years, legislative ambiguity in the Wilderness Act has opened the door for numerous lawsuits over the country," he said on the House floor. "Rather than embracing sportsmen and women for the conservationists that they are, anti-hunting and environmental groups have pursued an agenda of eliminating heritage activities on Federal lands for years. These groups look for loopholes in the law to deprive our constituents the right to use their own Federal lands."

Kinard to lead 'Buffalo' park.

Joy Kinard, a veteran manager in the Park Service's National Capital office, will serve as the first superintendent of the brand new Charles Young Buffalo Soldiers National Monument in Ohio. Congress established the new park in an omnibus public lands bill (PL 113-291 of December 19). Young was the third African-American to graduate from the U.S. Military Academy at West Point. In 1903 he served as acting superintendent of Sequoia National Park, leader of a band of Buffalo Soldiers. Kinard, an African-American history scholar, has 18 years with the Park Service. Since September 2011 she has served as the Central District Management of National Capital Parks-East. She will begin her

new assignment in late February.

Outdoor Industry seeks boss.

The Outdoor Industry Association said January 20 that it has hired a headhunter to find a new executive director to replace Frank Hugelmeyer. Hugelmeyer stepped down in September after 15 years at the helm of the association, which represents the human-powered outdoor industry business. The Forest Group will lead the search for a new executive director, a job that could last four to six months. In the interim Steve Barker, founder and former CEO of Eagle Creek, is serving as executive director. Under Hugelmeyer the association became a national force as an advocate for conservation. The association published a now famous report in February 2013 that said outdoor recreation generates \$646 billion in consumer spending per year and 6.1 million jobs.

BlueRibbon still seeking boss.

The BlueRibbon Coalition put out a second call earlier this month for nominations for candidates to head up its powered recreation association. Greg Mumm served as executive director from 2006 until he announced he would step down in November 2013. The coalition participates both in policy debates and in litigation. The organization was founded by Clark Collins who served as the executive director from 1987 under 2005. Send resumes to: *Glen Zumwalt, Chair, Executive Director Search Committee c/o BlueRibbon Coalition 4555 Burley Drive, Suite A Pocatello, ID 83202.* More info at 208-237-1008 ext 105 or at brc.exdir.apply@sharetrails.org

Senate gets Nevada NCA bill.

Sen. Harry Reid (D-Nev.) introduced legislation (S 286) January 20 that would designate a 350,000-acre Gold Butte National Conservation Area (NCA) adjacent to Lake Mead National Recreation Area. Rep. Dina Titus (D-Nev.) and former Rep. Steven Horsford (D-Nev.) introduced a counterpart bill in the last Congress. The Bureau of Land Management (BLM) would manage the NCA that would include 129,500 acres of wilderness. The bill would also designate 92,000 acres of wilderness

within Lake Mead. Despite Reid's standing the political outlook for the legislation is cloudy because his fellow Nevadan, Sen. Dean Heller (R), is not on board. And Nevada newspapers suggest Heller may not be coming on board any time soon because of traditional western concerns about locking up federal land.

Conference Calendar

FEBRUARY

1-4. **National Association of Conservation Districts Annual Meeting** in New Orleans, La. Contact: National Association of Conservation Districts, 509 Capitol Court, N.E., Washington, D.C. 20002. (202) 547-6233. <http://www.nacdnet.org>.

10-12. **National Ski Areas Association Western Winter Conference** in Snowbird, Utah. Contact: National Ski Areas Association, 131 South Van Gordon St., Suite 300, Lakewood, CO 80228. (303) 987-1111. <http://www.nsaa.org>.

16-20. **Association of Partners for Public Lands 2015 Partnership Convention & Trade Show** in Atlanta, Ga. Contact: Association of Partners for Public Lands, 2401 Blueridge Ave, Suite 303, Wheaton, MD 20902. (301) 946-9475. <http://www.appl.org>.

MARCH

8-13. **North American Wildlife & Natural Resources Conference** in Omaha, Neb. Contact: Wildlife Management Institute, 1146 19th Street, NW, Suite 700, Washington, DC 20036. (202) 371-1808. <http://www.wildlifemanagementinstitute.org>.

17-21. **American Alliance for Health, Physical Education, Recreation and Dance National Convention & Expo** in Seattle, Wash. Contact: AAHPERD, 1900 Association Drive, Reston, VA 20191(703) 476-3400. <http://www.aahperd.org>.

21-25. **National Association of Counties Legislative Conference** in Washington, D.C. Contact: National Association of Counties, 440 First St., N.W., 8th Floor, Washington, D.C. 20001. (202) 393-6226. FAX (202) 393-2630. <http://www.naco.org>.