

Federal Parks & Recreation

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GOP postpones tough money bill; Senate may lag behind

Despite fierce objections from the Obama administration the House yesterday (July 9) neared approval of a fiscal year 2016 Interior and Related Agencies appropriations bill (HR 2822).

However, Republican leaders pulled the bill from the House floor after an amendment was offered to allow sale of the Confederate flag in units of the National Park System.

The amendment, introduced by Rep. Ken Calvert (R-Calif.), would have reversed a Park Service policy of June 25 that directed national park bookstores and gift shops to stop selling the Confederate Battle Flag. The NPS policy change comes in the wake of the shooting of nine church members at Emanuel African Methodist Episcopal Church in Charleston, S.C.

Overall, HR 2822 would sharply reduce funding for the Land and Water Conservation Fund, allocate token money for the Park Service Centennial and, at best, maintain existing spending levels before inflation for most land management agencies.

HR 2822 also includes numerous riders, including one to extend the Federal Lands Recreation Enhancements Act (FLREA) for one year.

The House this week approved several amendments directed at park and recreation programs, including one from Rep. Keith Rothfus (R-Pa.) that would not allow National Park System units to ban water bottles within the parks.

A second amendment from Rep. Crescent Hardy (R-Nev.) would block the designation of national monuments in 17 counties in the West where such

Presidential actions are considered probable.

Hardy is most concerned about the imminent designation of a 700,000-acre national monument on Bureau of Land Management Land property in the Garden and Coal Valleys of southern Nevada. (See related item in Page 14 Notes.)

The Rothfus Park Service water amendment addresses a 2010 controversy that erupted when Grand Canyon National Park attempted to ban water bottles.

On Dec. 14, 2011, the Park Service issued a new water bottle policy, not just for Grand Canyon but also for all units. The policy allows superintendents to ban water bottles if they first obtain approval from the applicable regional director. The superintendents must first submit a request in writing. The Rothfus amendment, approved July 7 by voice vote, would not let the Park Service implement such bans.

The Office of Management and Budget (OMB) unloaded on the bill in a Statement of Administration Policy just before HR 2822 reached the House floor.

In threatening a veto OMB first complained about a total funding level that is \$2.2 billion below the administration request. "The bill drastically underfunds core Department of the Interior programs as well as the Environmental Protection Agency's operating budget, which supports nationwide protection of human health and our vital air, water and land resources," said OMB.

The administration statement continued, "Funding levels in the bill would prevent investments that reduce future costs to taxpayers by facilitating increased energy development and maintaining facilities and infrastructure in national parks, refuges, forests, public lands, and Indian Country."

However, Rep. Marsha Blackburn (R-Tenn.) said that HR 2822, even with a recommendation that is \$3 billion less than the President's, doesn't go far

enough. She proposed an amendment to cut one percent (\$292 million) from the bill across-the-board.

Said Blackburn, "Now, I know that this is not a popular amendment with a lot of those who feel like we have cut, cut, cut and we can't cut any more. I disagree with that. I think that you can look at the GAO reports and the inspector general reports and see there is plenty of room to cut." The amendment was defeated in a 168-to-258 vote.

As for policy amendments/slash riders OMB said, "Further, the bill includes numerous highly problematic ideological provisions that have no place in funding legislation."

Rep. Bob Gibbs (R-Ohio) summed up an oft-repeated Republican complaint about excessive regulations from the Obama administration. "This bill responsibly ensures the EPA's regulatory overreach is checked by Congress. Key provisions included will stop the EPA's most burdensome and damaging regulations and encourage opportunities for water infrastructure investment," he said.

The Senate poses a problem for the bill. Although the Senate Appropriations Committee approved its version of an Interior and Related Agencies spending bill (S 1645) June 18, the outlook on the Senate floor is problematic.

Democratic opposition there is so solid S 1645 may not be able to overcome a filibuster and reach the floor. Thus, senators from both parties are already talking about the possibility of a significant delay in addressing the bill before the start of fiscal year 2016 on October 1.

Senate Majority Leader Mitch McConnell (R-Ky.) raised the possibility in the Senate Appropriations Committee June 18 that the Senate might still be working on a continuing resolution to finance all federal agency spending on December 23.

The House Appropriations Committee and the Senate Appropriations Committee

are hampered by three factors: (1) spending caps slightly under the fiscal 2015 level; (2) an allocation of \$452 million for the payments of lieu of taxes (PILT) county assistance program that is usually funded outside spending bills and (3) emergency fire fighting.

Senate appropriators moved to cure the last two problems in their bill. They did not include money for PILT, leaving \$452 million to spend on other programs. And for the first time they approved legislative language that would move some emergency fire-fighting costs out of appropriations bills and into disaster spending, beginning in fiscal 2017.

House appropriators, by contrast, did take the \$452 million for PILT out of their bill. And HR 2822 does not include the emergency wildfire transfer.

That does not mean the House is ignoring the situation. It was considering separate legislation (HR 2647) at press time that would shift some emergency wildfire money to the disaster account. However, the future of HR 2647 is problematic because it includes waivers of environmental laws for timber projects that the Obama administration opposes.

For all that the Interior and Related Agencies bills are moving. For Park Service operations the House bill includes a \$52 million increase, primarily for the agency's Centennial in 2016. The House would appropriate \$2.328 billion for operations, compared to a fiscal 2015 appropriation of \$2.276 billion.

The Senate Appropriations Committee June 18 approved a counterpart bill (S 1645) with \$5 million more for NPS operations than the House, \$2.323 billion.

The Senate committee said it approved \$110 million in total for the Park Service Centennial; however, the two panels did not provide analogous breakdowns to allow direct comparisons.

The House and Senate numbers were low enough that Sen. Tom Udall (D-N.M.)

said S 1645 would come up \$242 million short of the Obama administration's Centennial recommendation. (See related article on NPS Centennial funding on page 10.)

For the traditional Land and Water Conservation Fund (LWCF) the House bill contains \$139 million - \$91 million federal and \$48 million for state grants. That represents a \$74.7 million decrease from fiscal 2015 for the federal side and the same for state grants.

The Senate committee approved \$73.5 million more for the traditional LWCF in total than the House - \$212.5 million, with \$157.5 million for the federal side, or \$66.5 million more than the House. For state grants the Senate approved a significant increase of \$7 million, bringing the recommended appropriation to \$55 million. (See related article on LWCF on page 8.)

The House and the Senate Appropriations Committee took similar tacks on riders. The House bill includes a handful of important policy amendments, including extension of FLREA. The Senate committee also would extend FLREA.

Conservationists criticized the House bill. "Having a vote on a bill this loaded down with riders and so starved of funding for these agencies is just more political posturing," says Whit Fosburgh, president and CEO of the Theodore Roosevelt Conservation Partnership. "Enough is enough. It's time for both parties to roll up their sleeves and hammer out a real successor to the Murray-Ryan Bipartisan Budget Act that invests in conservation and rejects ideological riders that would hurt wildlife habitat and sportsmen's access."

The Murray-Ryan Act sets overall annual domestic and military spending caps that, Democrats say, straightjacket appropriations subcommittees.

The Backcountry Hunters & Anglers (BHA) criticized the Senate committee (and by inference the House) for trimming more than \$2 billion from President Obama's request for the

bill. "This week, Congress reminded the American people that our current budgeting process is incapable of supporting the essential investments in natural resources that drive economic growth, create jobs and sustain our outdoor traditions," said BHA Conservation Director John Gale.

Fires: The Senate committee stepped up to the plate on emergency fire spending, approving \$1.054 billion for a stand-by account that would kick in when the Forest Service and the Interior Department exceeded annual fire suppression appropriations. The bill includes an additional \$3.61 billion to fight forest fires in fiscal year 2016.

As important, the bill contains legislative language that would establish a wildfire adjustment cap that would allow for the transfer of emergency fire-fighting expenses above a ten-year average to disaster funding, effectively removing those expenses from a regular appropriations bill. The House bill does not include comparable provisions.

The office of Senate Appropriations Subcommittee on Interior and Related Agencies Chairman Lisa Murkowski (R-Alaska) explained to us how the cap provision would work. First, because Congress doesn't allow appropriators to move appropriations into a disaster account during a current-year bill, the cap would not be triggered until fiscal year 2017.

Second, to make up the gap between now and fiscal 2017, and to prevent fire borrowing, Murkowski inserted the extra \$1.054 billion in the fiscal 2016 bill, presumably to cover fiscal 2015 and 2016.

Third, the Murkowski trigger differs from an administration proposal by requiring Congress to appropriate 100 percent of the average 10-year emergency fire costs before tapping disaster assistance. Wyden-Crapo would trigger it at 70 percent of the average 10-year costs, moving about \$450 million off budget early.

In its counterpart money bill the House bill does not include the fire-

fighting trigger. Instead the House would appropriate \$3.178 billion for regular fire-fighting costs and \$407 million in an extra emergency fund called FLAME. FLAME is somewhat analogous to the Senate committee's \$1.054 billion emergency fund.

However, as we noted above the House was considering separate legislation at press time that would transfer some emergency wildfire money to a disaster cap.

The spending cap: The House Appropriations Committee in May assigned a spending cap to the Interior and Related Agencies subcommittee bill that is \$246 million less than a fiscal 2015 ceiling of \$30.416 billion. The committee set a cap of \$30.170 billion for fiscal 2016. Still, that is marginally above the spending cap of \$30.010 billion set by the Senate Appropriations Committee May 21.

Democrat Rep. Betty McCollum (R-Minn.), ranking minority member on the House subcommittee on Interior Appropriations, attacked the majority's caps. "This bill once again forces agencies to do more with less, an unrealistic and increasingly impossible task," she said. "Clearly the spending caps have put a stranglehold on the appropriations process and it is dangerously eroding our responsibilities to the American people." She said the bill contains \$2 billion less than a 2010 appropriations bill.

Agreed Udall, "The difficult choices in this bill underscore why it is necessary for Democrats and Republicans to pass another (version of a 2011) budget deal and increase funding for discretionary spending."

Congressional Democrats and the White House have made no secret of their plan to fight the spending caps for all domestic appropriations bills on any and all occasions. They will call on their Republican colleagues to replace or revoke a sequestration law that sets broad domestic and military spending ceilings. But Congressional Republicans are just as determined to stick with sequestration.

In the Senate Democratic opposition to the measure is so solid the measure may not make it to the floor. Thus, senators from both parties are already talking about the possibility of a significant delay in addressing the bill before the start of fiscal year 2016 on October 1.

Some numbers: Here are the numbers in the House bill, followed by Senate numbers:

LWCF FEDERAL: In total the House bill includes \$91 million (\$157.5 million Senate) for federal land acquisition, or \$74.7 million less than a fiscal 2015 appropriation of \$165.7 million. By agency the Bureau of Land Management (BLM) would receive \$7.25 million (\$18.9 million Senate) compared to \$20 million in fiscal 2015; the Fish and Wildlife Service would receive \$27.5 million (\$48.9 million Senate) compared to \$47.5 million; the Park Service would receive \$36.25 million (\$51.3 million Senate) compared to \$51 million; and the Forest Service would receive \$20 million (\$38.4 million Senate) compared to \$47.5 million.

LWCF STATE: The House would appropriate \$48 million (\$55 million Senate), the same as in fiscal 2015.

PARK SERVICE OPERATIONS: The House bill includes \$2.328 billion, or \$52 million more than a fiscal 2015 appropriation of \$2.276 billion. The Senate committee approved \$2.323 billion, or \$5 million more than the House panel.

PARK SERVICE RECREATION AND PRESERVATION: The House bill includes \$62.5 million, about the same as the fiscal 2015 appropriation of \$63.1 million (\$61.4 million Senate.)

PARK SERVICE CONSTRUCTION: The House bill includes \$139.6 million, about the same as a fiscal 2015 appropriation of \$138.3 million (\$192.9 million Senate.)

PARK SERVICE HISTORIC PRESERVATION: The House bill includes \$60.9 million, or \$4.5 million more than the fiscal 2015 appropriation of \$56.4

million (\$61.4 million Senate.)

PARK SERVICE HERITAGE GRANTS: The House bill includes \$19.7 million, or \$650,000 less than the fiscal 2015 appropriation of \$20.4 million (\$20.3 million Senate.)

STATE WILDLIFE CONSERVATION GRANTS: The House bill includes \$59.2 million, or \$500,000 more than the fiscal 2015 appropriation of \$58.7 million (\$60.6 million Senate.)

NATIONAL FOREST SYSTEM: The House bill includes \$1.490 billion, or slightly less than the fiscal 2015 appropriation of \$1.494 billion (\$1.516 billion Senate.)

NATIONAL FOREST RECREATION: The House bill includes \$256.8 million, or \$4.9 million less than the fiscal 2015 appropriation of \$255.9 million (\$261.7 million Senate.)

FOREST SERVICE TRAILS: The House bill includes \$77.5 million, the same as the fiscal 2015 appropriation (\$77.5 million Senate.)

BLM RECREATION MANAGEMENT: The House bill includes \$67 million, the same as the fiscal 2015 appropriation (\$65.5 million Senate.)

FIRES: For the Forest Service the House bill includes \$2.373 billion for regular fire fighting and fire prevention expenses and \$315 million for an emergency FLAME account. The Senate committee approved \$3.556 billion in total for both regular fire fighting and an emergency account. Of the \$3.556 billion, \$855 million would be allocated to the emergency account.

For the Interior Department the House bill includes \$805 million in regular firefighting and fire prevention expenses and \$92 million for FLAME. The Senate committee approved \$1.109 billion for both regular fire fighting and an emergency account. Of the \$1.109 billion, \$200 million would be allocated to an emergency account.

The riders: Here are the House and Senate committee-approved riders:

FLREA EXTENSION: The House and the Senate committee both include. Theoretically, a one-year extension would give Congress time to revise or extend FLREA over a long term. Led by the House Interior Committee Chairman Rob Bishop (R-Utah), Congress has begun to work on a long-term bill. Last year when he was chairman of the subcommittee on Public Lands Bishop pushed a bill (HR 5204) through the committee that his office told us would be the starting point for legislation this year.

The counterpart Senate Energy Committee and Senate Appropriations Committee have been less active than the House panel.

Thus far, the major players in the game, except for forest recreation users, have generally supported Bishop's initiative. The players include the Obama administration, industry, outfitters and environmentalists. The basics include entrance fees, return of fee revenues to agencies and inclusion of the Corps of Engineers.

RIDER CLIMATE CHANGE: The House and the Senate committee would forbid EPA from completing a proposed rule that would reduce carbon emissions from existing power plants, a plan that environmentalists say would be a boon to the national parks. But the mining industry says the plan would place an unacceptable economic burden on society.

RIDER WETLANDS: The House and the Senate committee would forbid EPA from implementing a May 27 rule that would expand the definition of a wetland subject to a Section 404 permit under the Clean Water Act. EPA and the Corps of Engineers said that the rule would go beyond the existing regulation that only requires a permit for navigable waters. The new rule would also require permits for seasonal streams, wetlands near navigable waters and other waters.

RIDER WATER RIGHTS, not in Senate bill: The House would forbid any agency from attempting to transfer water rights to the federal government on renewal of a permit. This is aimed at a Forest Service policy, since retracted, that would have allowed the agency to assert

a water claim when a ski resort renewed a permit.

RIDER OCEAN POLICY, not in Senate bill: The House would block implementation of a National Ocean Policy proposed by the Obama administration. House Republicans argue the administration policy would lead to zoning of the ocean and a decrease in recreational fishing opportunities.

San Antonio Missions the 23rd UNESCO World Site in U.S.

The Interior Department announced July 6 that the San Antonio Missions National Historical Park and the Alamo have been chosen the 23rd World Heritage Site in the United States.

The selection by the United Nations Educational, Scientific and Cultural Organization (UNESCO) caps a nine-year campaign by the City of San Antonio and the State of Texas.

The site includes five missions - Valero (the Alamo), Concepción, San José, San Juan, and Espada - that were built in the 18th Century in and around what is now the city of San Antonio. The missions attempted to convert Indians to Catholicism.

A report commissioned by Bexar County anticipates additional economic activity from the designation over the next ten years of between \$44 million and \$105 million. (But even without the designation the report anticipates the San Antonio Missions will support almost \$400 million in economic activity over the next decade.) The report is available at: http://home.bexar.org/whs/Missions_WHS_Report.PDF.

Sen. John Cornyn (R-Texas) praised the UNESCO decision, even though the Texas Republican Party platform opposes "granting jurisdiction and sovereignty over Texas' cultural sites to any international body."

(However, supporters note that it does not give any international body "jurisdiction and sovereignty." The United States retains authority.)

Said Cornyn, "The Statue of Liberty, Independence Hall, and now the Alamo have joined the ranks as globally recognized World Heritage sites. As a native San Antonian, I know how meaningful the Alamo and the Missions are to the community and to the state of Texas, and now people across the globe can cherish these historic landmarks that already hold such significance for so many."

Prior to the San Antonio Missions the most recent United States site chosen by UNESCO - the 22nd - was Poverty Point State Historical Site in Louisiana. That designation was announced June 23, 2014.

Poverty Point contains 3,500 year-old earthworks believed to be the largest hunter-gatherer settlement that ever existed.

Although the United States hosts 23 World Heritage Sites, that is a small percentage of the 1,031 properties on the list around the world. Spain alone has 44. The United Kingdom has 29, including of course Stonehenge.

Most of the 23 United States sites are managed by the National Park Service, including 11 national parks, including the iconic ones. The full list of sites is at <http://whc.unesco.org/en/list>.

As for the San Antonio Missions former Secretary of Interior Ken Salazar first announced the Department of Interior's intention to nominate it in June 2012.

The department said that the nomination was supported by the State of Texas, Bexar County, the City of San Antonio and the Catholic Archdiocese of San Antonio. All five churches are open to visitors; four of them are active churches.

Yosemite contract going to Aramark; LSI not yet decided

Congress is currently reviewing a Park Service proposal to transfer major concessions operations in Yosemite

National Park to a new company - Aramark.

Yosemite chose Aramark to replace Delaware North to operate NPS's most lucrative contract after a years-long competition. Both companies are major players in the Park Service concessions game.

If Congress accepts Yosemite's decision, Aramark will receive a 15-year contract beginning March 1, 2016, that will put it in charge of operations expected to gross \$2 billion over the life of the contract.

Yosemite spokesman Scott Gediman said he did not know how much Aramark would have to pay Delaware North for improvements it has put into facilities in the park over the last 22 years.

Such improvements - called leaseholder surrender interest (LSI) - have proved a major obstacle in the past on the transfer of concessions contracts. "Aramark has not signed the contract yet," Gediman said. "LSI will not be determined until they sign the contract. Basically (Aramark was) selected and we offered the contract. They have 30 days to sign. So that issue has not been resolved yet."

One big, perhaps pivotal, fight over LSI is being contested over the huge concessions contract at Grand Canyon National Park.

The present concessioner, Xanterra Parks & Resorts, sued NPS on Oct. 8, 2014, because a prospectus for a renewed contract demanded bidders pay more than \$150 million for LSI. To offset the \$150 million NPS would greatly increase franchise fees.

NPS has since decided to reduce the LSI to \$57 million and to make up the difference from Park Service revenues. The park has yet to receive a bid on a new Grand Canyon contract, so in December it extended Xanterra's contract for another year.

In a separate concessioner fight Acadia National Park in Maine in March 2014 replaced long-term concessioner

Acadia Corporation with a New Mexico company, Dawnland, LLC. Dawnland won a 10-year contract.

Maine's senators were perturbed because they said NPS didn't take into consideration the economic impact on the local company of shifting the contract. In March of last year the U.S. Court of Federal Appeals upheld the transfer that NPS had announced in September 2013.

The Yosemite contract includes such famed facilities as Ahwahnee Hotel, Curry Village and the Badger Pass Ski Resort as well as several shops, High Sierra camps and other services. The company has gross revenues of \$14.8 billion and employs more than 270,000 people.

Said Bruce W. Fears, president of Aramark's leisure division, "The NPS is a longtime and valued partner and we look forward to enhancing Yosemite's guest experience with a variety of distinctive hospitality and service offerings and educational and interpretive programming."

Aramark says it holds contracts at "Denali National Park & Preserve, Glacier Bay National Park, Gettysburg National Military Park, Historic Philadelphia, Hearst Castle, The Field Museum, Pikes Peak, and the U.S. Mint."

Said Yosemite Superintendent Don Neubacher of the new concessioner, "Aramark, brings tremendous resources to the table, and has extensive experience in operating concessions at many other national parks. We believe they'll be a great partner with us at Yosemite as we work to implement the vision of the Merced River Plan."

The choice to transfer the contact to Aramark was made by an evaluation panel of NPS employees and technical advisors pursuant to the National Park Service Concessions Management Act.

LWCF takes a double hit in House-passed approps bill

Despite requests from Democrats and Republicans alike, the House at

press time was on the verge of approving a fiscal year 2016 appropriations bill (HR 2822) with little money for federal land acquisition. And HR 2882 would not include in HR 2822 legislative language to extend the underlying law.

The measure would reduce federal land acquisition under that law - the Land and Water Conservation Fund (LWCF) - by \$74.7 million, from \$165.7 million in fiscal 2015 to \$91 million in fiscal 2016. It would appropriate \$48 million for the state side of LWCF, the same as the fiscal 2015 appropriation.

Said the Office of Management and Budget in a Statement of Administration Policy on HR 2822, "The Administration objects to the drastic reduction of \$152 million, or 38 percent, to the requested discretionary funding for DOI and USDA LWCF programs (the House would use LWCF money for non-traditional conservation purposes). LWCF is a cornerstone of Federal conservation and recreation preservation efforts."

Said LWCF-supporter Rep. Frank Guinta (R-N.H.), who submitted an amendment on the House floor to boost federal land acquisition by \$16 million, only to withdraw it, "As those in my home State of New Hampshire know, we are lucky to call one of the most pristine ecological environments in the Nation our home, and we understand firsthand LWCF's impact on both our State's natural resources and on our access to hunting, fishing, and outdoor activities."

The lead author of HR 2822, House Appropriations subcommittee on Interior and Related Agencies Chairman Ken Calvert (R-Calif.), said of LWCF money that he had to thread the needle between western hostility to federal land acquisition and support in the East.

He intimated that the House would come up on its top line for federal acquisition in a conference with the Senate, if there is a conference. "When the conference begins on this bill with the Senate, Congress will exercise its power of purse by selecting projects from the President's budget to improve recreational access that have strong,

local, State and congressional support," he told Guinta.

For its part the Senate Appropriations Committee approved a counterpart Interior spending bill (S 1645) June 18 with \$66.5 million more for the federal land acquisition than the House with a recommendation of \$157.5 million.

Both the House and Senate committee were more enthusiastic about the state side of LWCF than federal land acquisition. HR 2822 contains \$48 million, the same as fiscal 2015, and the Senate committee \$55 million.

Despite the Republican complaints about federal land acquisition, House and Senate members alike have praised the state side of the program. Said House subcommittee on Federal Lands Chairman Tom McClintock (R-Calif.) at an April hearing on the law, "About a quarter of LWCF funding goes to the state-side grant program, which seems to have been most successful. This is the program most members cite when extolling benefits from the LWCF."

At an April 22 hearing on LWCF Senate Appropriations subcommittee on Interior and Related Agencies Chairman Lisa Murkowski (R-Alaska) also suggested the state side of the program should be given greater priority vis-à-vis federal land acquisition.

"When we talk about the Land and Water Conservation Fund Act these days, it is almost exclusively about federal land acquisition," she said. "And that's a little disappointing here and I am going to be honest with you. Many seem to have forgotten the pivotal role that states have in conservation and outdoor recreation under the act."

LWCF reauthorization: Although both the House and the Senate Committee would put up money for LWCF in fiscal 2016, the underlying law remains due to expire on September 30.

On the House floor June 25 Rep. John Garamendi (D-Calif.) made a plea for reauthorization of the program. "Why are we not moving

aggressively to reauthorize the Land and Water Conservation Fund?" he asked rhetorically. "Why is it that, every year, we deny the public, whether it is a playground or a swimming pool or a park expansion playground in Ohio, the opportunity for better lives in their own communities?"

Added Garamendi, a former deputy director of the Interior Department in the Clinton administration, "I do not understand, and I don't think that if any of us were to think about this for any amount of time that we would not say, yes, let's reauthorize the Land and Water Conservation Fund. Let's not let it expire."

Said Alan Rowsome, senior director of government relations for The Wilderness Society, on the tie to offshore oil and gas revenues, "This would be problematic because LWCF would lose its 50 year tie to oil and gas royalties as the elegant idea that the depletion of one asset should be offset by the investment in another permanent asset, our nations lands and waters. Without this authorization, the program is in jeopardy of low funding if not complete evisceration in the future."

LWCF background: On LWCF's side in the Senate, 13 Republicans voted for an extension of LWCF January 29 when Sen. Richard Burr (R-N.C.) offered such an amendment to a Keystone Pipeline System bill. The amendment was defeated by a 59-to-49 vote, with 60 votes needed to pass.

With the completion of a Congressional budget and the completion of authorizing committee hearings, the way is now clear for Calvert, Murkowski and other key chairmen to begin work on extension legislation, if they so wish. Nothing has been officially scheduled yet.

Five Republican senators led by Burr have sponsored stand-alone legislation (S 338) this year that would make LWCF permanent at \$900 million per year. Six Democrats cosponsored the Burr bill.

Six Democratic senators led by

Cantwell introduced a separate bill (S 890) March 27 that would permanently reauthorize LWCF, with guaranteed funding. No Republican senators cosponsored the bill, even though Republican support is essential for the success of such legislation in the Senate. The Burr bill would not guarantee money for LWCF; Cantwell would.

In the House nine House Republicans cosponsored legislation (HR 1814) April 15 that would make LWCF permanent. Leading the Republican cosponsors was Rep. Mike Fitzpatrick (R-Pa.) The House bill would NOT guarantee money for LWCF each year, like the Senate bill from Sen. Burr.

The House LWCF bill has not begun to move and faces significantly higher hurdles than do the Senate bills.

Friends of NPS say money bills short the Centennial

Advocates of the National Park System - in Congress, in the administration and among interest groups - are decrying with one voice proposed fiscal year 2016 Congressional appropriations for the system's Centennial.

Despite those objections, the House at press time was nearing approval of a fiscal 2016 spending bill for the Interior Department and Related Agencies (HR 2822) that would short the Centennial by 84 percent, by one estimate. And by the administration's estimate would delay 70 percent of construction maintenance projects.

Speaking on the House floor, Rep. Betty McCollum (D-Minn.) first noted that visitation to the parks last year set a record and, with the Centennial in 2016, visitation should be even higher.

"But what will visitors find when they come to the Centennial celebration?" she asked herself. "Without additional funding, they will find historic hotels in Yellowstone and Glacier National Parks that have serious health, safety, and accessibility

issues. They will find closed facilities at Yosemite due to 70-year-old sewer lines that are failing. And under the Republican spending plan, what visitors will not find are the hundreds of seasonal rangers that the Park Service needs to hire to restore staffing capacity to 2010 levels."

McCollum, ranking Democrat on the subcommittee on Interior Appropriations that wrote HR 2822, concluded that "less than 16 percent of the funds requested for the National Park Service's centennial are provided (by HR 2822)."

All told, House appropriators said their bill approved an extra \$52 million for the Centennial within the Park Service operations line item above the fiscal 2015 appropriation. HR 2822 includes an additional \$20 million for a Centennial matching grant program.

However, the Office of Management and Budget in a Statement of Administration Policy on HR 2822 said the House increases fall far short of the \$326 million increase the administration requested for operations and the \$50 million it requested for a Centennial Challenge program.

"The Administration opposes funding levels provided for the NPS Centennial," said OMB. "The bill fails to provide adequate funding to prepare for the Centennial in 2016, resulting in the delay of roughly 70 percent of line-item park construction projects and 36 percent of repair and rehabilitation projects, and forgoes millions in matching private donations."

The Senate Appropriations Committee June 18 approved a counterpart Interior spending bill (S 1645) that the panel says includes \$110 million for the Centennial. The committee did not provide a breakdown but it did list \$10 million for the Centennial Challenge program (compared to an administration request of \$50 million and the House approval of \$20 million.)

And it did identify a \$30 million boost for Park Service maintenance.

Sen. Tom Udall (D-N.M.) objected

to the Centennial number in the Senate bill, saying S 1645 would come up \$242 million short of the Obama administration's Centennial recommendation. He offered an amendment in committee to add the \$242 million (along with hundreds of millions of dollars for other programs), but it was rejected on party lines in a 16-to-14 vote.

The National Parks Conservation Association praised Udall. "Sen. Udall provided welcome leadership, highlighting the shortcomings of the proposal for our national parks," said Craig Obey, senior vice president for government affairs for the association. "Because the sequester budget caps have tied appropriators' hands, the Senate Interior appropriations bill does not adequately support our National Park System as we enter its centennial year."

Meanwhile, it is understood that work on legislation to establish an endowment program may have ground to a halt, although no one will say that on the record.

Sens. Maria Cantwell (D-Ore.) and Rob Portman (R-Ohio) had been writing legislation to authorize a multi-year Centennial Challenge program. To lay the groundwork they persuaded the Senate this spring to recommend a matching grant program in a fiscal year 2016 Congressional budget.

Specifically, the Cantwell-Portman amendment directs the Senate to make room in the Congressional budget for a Centennial Challenge program that would match private contributions with federal contributions. The amendment is largely symbolic because line committees would have to write and move Centennial legislation.

Cantwell and Portman said in a fact sheet that Congress successfully tried such a challenge program in fiscal years 2018 and 2010 with federal contributions leading to private donations of \$50 million. Neither Cantwell nor Portman are members of the Senate Appropriations Committee.

A new challenge grant program,

perhaps with \$100 million per year as recommended by the Obama administration, would allocate money for maintenance needs.

Centennial campaign background:

As part of the Park Service's campaign it is understood that the agency has submitted to the White House a draft Centennial bill that would include an endowment provision.

The endowment would begin with a number of levies from existing programs, such as interest on unspent entrance and recreation fees, interest on concessioner fees and revenues from increased entrance fees.

The endowment would be separate from a matching grant program to address a maintenance backlog that is also a key element in the Centennial campaign.

The Cantwell-Portman bill has been imminent for months, but some parks advocates still hold out hope a bill will emerge before Congress recesses in early August.

The endowment is a horse of a different color. It would be used to supplement operations. And that's where the problems begin because Republican Congressional leaders would by definition be loathe to support a new operations program when the parks are facing a \$12 billion maintenance backlog.

Federal agency endowments are rare. Perhaps the most notable one supports the Smithsonian Institution. It has grown to more than \$1 billion and allocates more than \$60 million per year to supplement appropriations and other funds.

Despite EPW action Congress faces a new highway crisis

Like a broken record the House and Senate are again this month nearing a deadline for financing surface transportation programs.

This time the drop-dead date is July 31.

Although the Senate Environment and Public Works Committee (EPW) June 24 approved a six-year bill (S 1647) called the Developing a Reliable and Innovative Vision for the Economy Act, or DRIVE Act, none of the other half-dozen committees responsible for writing legislation have acted.

That includes the most important committees that are tasked with finding money for DRIVE - the Senate Finance Committee and the House Ways and Means Committee.

The current law, Moving Ahead for Progress in the 21st Century Act (MAP-21), is due to expire on July 31.

Congress gave MAP-21 a two-month extension until the end of July on May 29 (PL 114-21), meaning the House and Senate need to begin work stat on a replacement bill. Most parties hope that extension will be for several years, as in the EPW bill.

Secretary of Transportation Anthony Foxx is putting the pressure on. His department estimates that the Highway Trust Fund will run out of money by the first weekend in September without Congressional action.

A June 19 department estimate says, "With the Highway Account expected to become insolvent by the end of the summer, the Department of Transportation may consider implementing cash management procedures to manage the flow of federal dollars. If the Department implements cash management procedures, reimbursements to states for infrastructure work will be limited to the available cash in the Trust Fund. Additionally, the Department would distribute incoming funds in proportion to each state's federal formula apportionment in the fiscal year."

The underlying problem of course is the lack of money to fully fund MAP-21 beyond July 31. Congress can't agree on a politically acceptable strategy for coming up with the \$12 billion per year needed to supplement the \$34 billion per year provided for transportation by the Highway Trust Fund. Just to maintain status quo funding would require \$46

billion per year.

Twenty House Democrats May 19 introduced a bill (HR 2410) that would implement the Obama administration's recommended six-year surface transportation program, called GROW AMERICA. And the Democrats are pushing their Republican colleagues to increase the gasoline tax, which has not been increased in 20 years. However, Republicans have dug in their heels against a tax hike.

Again, the EPW committee is not in charge of approving money for DRIVE, just for writing the details of a bill. However, S 1647 would retain a base park and rec program known as the Transportation Alternative Program (TAP). In total for TAP the EPW committee approved \$850 million per year for the next six years.

For the other park and rec half of traditional surface transportation laws - federal lands roads - the Senate committee approved \$560 million for fiscal year 2016, broken down as follows: \$305 million for federal land roads, with \$240 million of that set aside for the National Park Service and \$30 million for the Fish and Wildlife Service (FWS). A federal lands access program would receive an additional \$255 million for major projects.

By fiscal 2021 the DRIVE Act would increase the ante for Federal Lands Roads to \$330 million, with the same set-asides for NPS and FWS, and \$280 million for access.

Advocates of the National Park System sort of praised S 1647. Said Laura Loomis, National Parks Conservation Association's deputy vice president of government affairs, "While the DRIVE Act does not increase the annual funding guarantee for National Park Service transportation projects, it does authorize a potentially significant increase of more than \$1 billion for federal lands roadway projects over six years which will begin to address the monumental challenge of fixing, maintaining, and enhancing our national parks."

On the other side of the Hill the House Transportation Committee under Chairman Bill Shuster (R-Pa.) is expected to begin marking up its bill shortly.

Meanwhile, some Republican critics have targeted TAP for elimination, arguing that the \$34 billion per year in gasoline taxes should not be spent on trails and highway enhancements. Rep. Sam Johnson (R-Texas) introduced such a bill (HR 2609) June 2 to eliminate the \$800 million-plus per year TAP program when MAP-21 comes up for renewal.

At a June 18 Senate Finance Committee hearing Stephen Moore, visiting fellow in Economics at the Heritage Foundation, took aim at TAP and other nonroads/bridges programs.

"These may be very worthwhile projects, but why should gas and diesel tax revenues fund them? Congress should begin addressing the highway funding shortage by insuring that every dollar of gas tax paid by motorists goes to building the roads that they make use of," he said. "That is what a 'user fee' is intended to do."

Huge BP oil spill deal will likely help Gulf parks, rec

Federal and state parks and refuges in Gulf States are in line to receive a significant share of the \$18.7 billion the BP oil company has agreed to pay to settle claims arising from the 2010 Deepwater Horizon oil spill.

According to Sen. Barbara Boxer (D-Calif.) as much as \$4.4 billion will go directly to a RESTORE Act that Congress passed to clean up the Gulf after the accident.

The official name for the Act, RESTORE, defines it - the Resources and Ecosystems Sustainability Tourism Opportunities and Revived Economy of the Gulf Coast Act.

Even before this last agreement BP Exploration and Production Inc. had put up close to \$1 billion for emergency repairs to Gulf ecosystems. A sizeable

portion of that money has gone directly to park and recreation projects in three phases. According to the National Oceanic and Atmospheric Administration those three phases have allocated to recreation \$237,628,642. In addition protection of barrier islands and dunes by definition boosts tourism.

For Phase IV of the emergency restoration program the Deepwater Horizon Natural Resource Damage Assessment Trustees took public comment through July 6 on ten proposed restoration projects. Almost all projects affect parks and wildlife refuges, including such sites as the Gulf Islands National Seashore and the Bon Secour National Wildlife Refuge.

For instance, one of the ten smaller proposals would allocate about \$7 million for bike and pedestrian enhancements at Davis Bayou, Mississippi District and Gulf Islands. The Department of Interior would implement the project.

But those four Early Restoration emergency phases are just the appetizer. The main course now looms. It will be financed by a \$5.5 billion payment by BP to the Clean Water Act, with 80 percent of the money distributed to RESTORE projects, said Boxer.

Collin O'Mara, president of the National Wildlife Federation, said, "Today's settlement is a victory for the wildlife of the Gulf. This brings to a close the long legal ordeal that had left restoration efforts in limbo and it gives us certainty moving forward. Now it is time for Gulf restoration to begin in earnest."

Said Boxer, "In the wake of the worst oil spill in U.S. history, I worked with my colleagues from the Gulf Coast states to pass the bipartisan RESTORE Act to help the region recover from the tremendous ecological and economic damage caused by the spill. The agreement announced today is a significant step forward in implementing this important legislation and restoring the ecosystems and economies of the Gulf Coast."

The Department of Justice and BP announced the agreement July 2. Said Attorney General Loretta E. Lynch, "If approved by the court, this settlement would be the largest settlement with a single entity in American history; it would help repair the damage done to the Gulf economy, fisheries, wetlands and wildlife; and it would bring lasting benefits to the Gulf region for generations to come."

Carl-Henric Svanberg, BP's chairman, said: "For the United States and the Gulf in particular, this agreement will deliver a significant income stream over many years for further restoration of natural resources and for losses related to the spill."

"When concluded, this will resolve not only the Clean Water Act proceedings but also the Natural Resource Damage claims as well as other claims brought by Gulf States and local government entities."

As Svanberg noted, in addition to the \$5.5 billion in Clean Water Act payments the settlement includes \$7.1 billion to compensate for natural resources damages to the United States and the five Gulf states of Florida, Alabama, Mississippi, Louisiana and Texas.

BP will not pay up front. Indeed the Clean Water Act payments will be spread over 15 years, assuming the courts accept the agreement. In addition the consent decree will be subject to public comment and final court approval.

The July 2 payments do not include the very public compensation BP paid to individuals living along the Gulf and local businesses. By some estimates BP will altogether shell out close to \$50 billion for the April 20, 2010, Gulf oil spill.

Notes

Obama to designate Nevada monument? President Obama is reportedly on the verge of designating a 700,000-acre national monument on Bureau of Land Management (BLM) property in the Garden

and Coal Valleys of southern Nevada. The conservation group Protect Basin and Range has long advocated protection of the area. It says such protection would allow outdoor recreation and grazing to continue, "while protecting the region's natural beauty, wildlife, and rare plants." But the Congressman who represents the area, Rep. Crescent Hardy (R-Nev.), was attempting to block the designation. He persuaded the House July 8 to approve an amendment to a fiscal year 2016 appropriations bill (HR 2822) that would forbid the designation. The vote was 222-to-206. The Hardy amendment would also block anticipated national monument designations in 17 counties in Arizona, California, Colorado, New Mexico, Nevada, Oregon and Utah. However, the amendment may come too late in the game to block the Basin and Range designation because it is prospective - it forbids spending money to make a national monument proclamation in fiscal year 2016. The Nevada designation is expected in some circles to pay homage to Senate Minority Leader Harry Reid (D-Nev.) Indeed a Reid spokeswoman Kristen Orthman said in May when the possibility of a Basin and Range monument arose, "Sen. Reid fully supports President Obama if he decides to designate this area, which he has the legal authority to do so. No area is as uniquely Nevada as is the Basin and Range. It deserves protection so our children and grandchildren and the generations of Nevadans to follow can experience one of the most beautiful places on earth."

Big jump in Grand Canyon visits. In the last issue of *FPR* we noted that Yellowstone National Park officials reported a 24 percent increase in visitation over the first five months of 2015, compared to 2014. Now Grand Canyon National Park officials say they have received a 20 percent increase in visitation already this year. And, at Grand Canyon, the park is anticipating overfilled parking lots by 10 a.m. as peak season begins. Grand Canyon officials didn't speculate on reasons for the increase in visitation. Yellowstone officials said some of the park's increased visitation might be caused by a new after-hours counter at the West Entrance to the park, a mild winter and

an early spring. Neither park directly attributed the jumps to the impending 2016 Centennial of the National Park System.

Yellowstone gets new visitor center. Yellowstone National Park has scheduled a July 12 re-opening of the Horace M. Albright Visitor Center after a lengthy renovation. Beginning in the fall of 2013 the park reconfigured the building to better accommodate visitors. Current superintendent Dan Wenk and former Superintendent Bob Barbee are scheduled to attend. Barbee will make the keynote speech. The park said that crews stripped the inside of the center, an old officers' quarters, and reconstructed it. The Albright Center is one of four visitor centers in Yellowstone. It was named after Park Service cofounder Horace M. Albright.

Utah counties submit lands ideas, but. The Southern Utah Wilderness Alliance (SUWA), an early participant in the attempt to put together a Utah Public Lands Initiative, is apparently having second thoughts. SUWA said late last month that the "Grand Bargain" legislation being written under the lead of Rep. Rob Bishop (R-Utah) is running off the tracks. SUWA said proposals submitted by Utah counties that are supposed to balance use with protection are siding too often with use. "Many of the counties involved in Rep. Bishop's initiative have stymied real progress by taking a 'business as usual' approach," said SUWA in a June 25 press release. "They propose fragmented wilderness designation while rolling back existing wilderness study areas. Even their 'conservation area' designations are often rendered meaningless because they are opened to oil and gas development and riddled with roads." Bishop launched the campaign back in February 2013. Driving Bishop in part is the possibility that the Obama administration will designate large national monuments in eastern Utah. Conservationists have often recommended designation of a 1.4 million-acre Canyonlands National Monument on BLM-managed land in southern Utah. They have asked President Obama to designate the monument adjacent to Canyonlands National Park.

Catching up on Ike. The House was considering at press time a fiscal year 2016 Interior appropriations bill (HR 2822) July 8 that does double duty to halt work on a Dwight D. Eisenhower Memorial in Washington, D.C. Not only does the bill not include any money for a Dwight D. Eisenhower Memorial Commission to oversee construction of a monument to the former President, but it also includes no money for construction of a memorial. In a counterpart bill (S 1645) the Senate Appropriations Committee June 18 did approve \$1 million for the commission, but it too put up no money for construction. The Obama administration had requested \$2 million for the commission and \$68 million for construction. The lack of construction money won't necessarily bring work on a monument to a halt because the commission has raised millions of dollars in nonfederal money. But it does impose a big crimp on proceedings. Further, a report accompanying the House-passed bill calls for a whole new design and a whole new staff for the Eisenhower commission. The controversy is being stirred by the design of the proposed memorial by noted architect Frank Gehry. Some members of the Eisenhower family, led by granddaughter Susan Eisenhower, object to elements of the Gehry proposal, such as statues of the former President as a young man, columns and tapestries. However, other influential figures such as former Sen. Bob Dole (R-Kansas) told the *Washington Post* that Congress should let the commission get about its business because the memorial "is not being built for the grandchildren." The U.S. Commission on Fine Arts June 18 approved a much-maligned design for the memorial.

NPS pulls some Confederate flags. The Park Service has directed national park bookstores and gift shops to stop selling the Confederate Battle Flag in the wake of the shooting of nine church members at Emanuel African Methodist Episcopal Church in Charleston, S.C. However, individual battlefields will continue to display the flag in exhibits, reenactments and interpretive programs. Bookstores and gift shops may also sell items such as books and other media where the flag "is depicted in its historical context."

Boxscore of legislation

Fiscal year 2016 appropriations

HR 2822 (Calvert), S 1645 (Murkowski). House approved July 9. Senate committee approved June 18. Both would retain spending levels. Senate committee would take PILT and some fire costs out of bill. House committee would not. Lots of riders in both bills.

Appropriations Fiscal 2016 Energy and Water

HR 2208 (Simpson). House approved May 1. Senate committee reported May 21. Would provide mild increase for Corps, mild decrease for Bureau of Reclamation. House would block EPA/Corps wetlands rule.

Appropriations Fiscal 2016

Transportation

HR 2577 (Diaz-Balart). House approved June 9. Senate subcommittee approved June 23. Would roughly maintain surface transportation spending at fiscal 2015 levels.

Fiscal year 2016 budget

H Con Res 27 (Price), S Con Res 11 (Enzi). House approved April 30. Senate approved May 5. Would freeze spending. Senate recommends line committee action on NPS Centennial, LWCF, fire, PILT.

Land and Water Conservation Fund

S 338 (Burr), S 890 (Cantwell), HR 1814 (Grijalva). Senate hearing April 22. Grijalva introduced April 15. All would extend program at \$900 million per year in perpetuity. S 890 and HR 1814 would guarantee the money each year.

Urban park fund

HR 201 (Sires). Sires introduced January 7. Would authorize HUD grants and HUD loans to provide assistance to urban parks.

Federal land recreation fees

HR 1991 (Bishop). House committee approved April 29. Bishop would extend existing law year through Sept. 30, 2017.

Emergency fire spending

HR 167 (Simpson), S 235 (Wyden), S 508

(McCain). Simpson introduced January 6. Wyden introduced January 22. McCain introduced February 12. All would shift emergency fire fighting costs out of line appropriations and into disaster spending. McCain would also increase timber harvests.

Monument restrictions

HR 330 (Young), HR 488 (Amodei), S 437 (Murkowski), HR 900 (Labrador), S 228 (Crapo). Young introduced January 13. Amodei introduced January 22. Murkowski introduced February 10. Labrador introduced February 11. Crapo introduced January 21. All would require Congressional or state approval of national monuments.

Wetlands regulations

HR 594 (Gosar), HR 2028 (Simpson), S 1140 (Barrasso). House approved HR 2028 May 1. Barrasso introduced April 30. Would forbid completion by EA of regulations expanding kinds of water bodies requiring wetlands protection permit. 141 cosponsors.

Surface transportation

S 1647 (Inhofe), HR 680 (Blumenauer), HR 2410 (DeFazio), HR 2595 (Norton), HR 2609 (Sam Johnson). Senate committee approved S 1647 June 24. Blumenauer introduced February 3. Norton introduced June 1. Johnson introduced June 2. Inhofe would rewrite law for next six years. Blumenauer would increase the gasoline tax to help pay for surface transportation programs. DeFazio would implement Obama administration recommendations. Norton would increase payments for NPS roads. Johnson would eliminate Transportation Alternatives Program.

Fed lands open in government closure

S 146 (Flake). Flake introduced January 12. Would allow states to operate national parks, national refuges and national forests in the event of a government shutdown.

Public lands open to hunting

S 406, S 556 (both Murkowski), HR 528 (Benishek). Benishek introduced January 26. Senate hearing March 12. Would declare public lands open to hunting and fishing unless specifically closed.