

# Federal Parks & Recreation

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## **Senate, House appropriators some \$6B apart on DoI cap**

By the narrowest of margins - a 15-to-14 vote - the Senate Appropriations Committee June 20 adopted a far different spending ceiling for an Interior and Related Agencies appropriations bill than has the House.

The committee approved a ceiling of \$30.1 billion, or \$5.8 billion more than the \$24.3 billion cap the House Appropriations Committee approved May 21.

Now that the individual appropriations bill spending ceilings are in place, the House Appropriations subcommittee on Interior and Related Agencies can go first and mark up its annual spending bill. It is expected to do so sometime in July. Senate Appropriations Committee Chair Barbara Mikulski (D-Md.) said she intended for all her subcommittees to mark up in July also.

In the hot spot because of the House 302(b) allocations is House Appropriations subcommittee on Interior and Related Agencies Chairman Mike Simpson (R-Idaho). If he follows the committee's allocations - and he has no choice, he will have little or no money left over after setting aside appropriations for such mandatory programs as fire fighting and agency operating budgets.

If the House sticks with its \$24.3 billion spending cap for an Interior bill, it would devastate the National Park Service, said John Garder, budget representative for the National Parks Conservation Association.

"The House allocation is so absurdly low at 14 percent below the sequester, that damage to the national

parks couldn't be overstated," he said. "It would be very challenging to keep the parks open, and to provide regular services would be virtually impossible. The maintenance backlog would continue to grow."

By definition Garder prefers the Senate cap. "We are very grateful to the Senate committee for a more adequate allocation that would help the parks recover from the damage of the sequestration," he said.

Driving the appropriations committees are, again, far different Congressional budgets adopted by the full House and Senate. The Senate budget assumes a total spending cap of \$1.058 trillion, or \$91 billion more than the House cap of \$967 million.

Chair Mikulski defended her committee's \$1.058 trillion spending ceiling. "An allocation of \$1.058 trillion is consistent with: the American Taxpayer Relief Act (of 2012); the budget resolution that passed the Senate on March 23 (S Con Res 8); and is more than \$1 billion below the President's request," she said. "For those who say \$1.058 trillion is excessive, that we should spend less, I say, cuts have consequences for the American people."

But ranking committee Republican Richard Shelby (Ala.) said the committee should abide by the House cap of \$967 billion, as required by the Budget Control Act of 2011 (PL 112-25 of Aug. 2, 2011). That is the so-called budget sequestration law.

"To achieve the remaining deficit reduction, the Budget Control Act requires that discretionary caps be lowered for Fiscal Years 2014 through 2021," he said. "Accordingly, the total discretionary cap for 2014 has been set at approximately \$967 billion. If we do not abide by it, discretionary spending will be subject to another, even larger, across-the-board sequester. That is an undeniable fact."

To work around the sequestration law, said Sen. Patty Murray (D-Wash.), chairman of the Senate Budget Committee,

Senate appropriators are counting on legislative language to replace that law. Whether that replacement language would come in a grand budget agreement, in specific appropriations bills or somewhere else remains to be seen.

What is clear is that the House and Senate have very different ideas about how much to spend on outdoor programs such as park and rec, Transportation, the Corps of Engineers or state and local share programs. Those differences are close to politically insuperable, leading to the logical conclusion that a continuing resolution will be needed to keep the government in money after October 1.

Speculation has it that such a continuing resolution would be based on a fiscal year 2013 appropriations law that included a multi-billion deduction for sequestration, perhaps with some exceptions. The House cap includes a projected fiscal 2014 sequestration.

The House and Senate are far apart on other fiscal 2014 appropriations bills as well as the Interior bill, to wit:

**Transportation:** House cap, \$44.1 billion. Senate cap, \$54 billion. The House Appropriations subcommittee on Transportation approved its bill June 19 with \$44.1 billion in discretionary spending, or \$7.7 billion below the fiscal 2013 level. And it is \$4.4 billion below the fiscal 2013 level counting sequestration.

The Senate Appropriations Committee approved its bill June 27 with \$54 billion.

**Energy and water:** House cap, \$30.4 billion. Senate cap, \$34.8 billion. The House Appropriations Committee approved its bill June 26 with \$4.9 billion for the Army Corps of Engineers, a decrease of \$104 million below the fiscal year 2013 enacted level. It is also \$700 million below the fiscal 2013 level when sequestration is counted in.

The Senate Appropriations Committee approved its bill June 27 with \$34.8 billion.

**Agriculture:** House cap, \$19.5 billion. Senate cap, \$20.9 billion. The House Appropriations Committee approved its bill June 13 with \$19.5 billion, or \$1.4 billion below the fiscal 2013 level before sequestration and about on a par with fiscal 2013 counting sequestration. The measure was on the House floor at press time.

The Senate Appropriations Committee approved its bill June 20 with \$20.9 billion.

**Fiscal 2014 Interior request:**

Here's the Obama request for specific Interior Department and Related Agencies programs in fiscal 2014 compared to fiscal 2012 numbers (the last year with detailed numbers because Congress passed a stripped down continuing resolution for fiscal 2013). We have also included numbers approved by the House Appropriations Committee for fiscal 2013 on June 28, 2012, to illustrate the great gap between House Republicans and the administration:

\* LWCF FEDERAL: Request, \$356 million (BLM \$48.9 million, Fish and Wildlife Service \$106.3 million, NPS \$90.6 million, and Forest Service \$92.2 million). Fiscal 2012, \$186.7 million (BLM \$22.4 million, Fish and Wildlife Service \$54.7 million, NPS \$57 million and FS \$52.6 million). House committee, \$46.7 million total.

\* UPAR: Request, \$15 million. Fiscal 2012, nothing. House committee, nothing.

\* LWCF STATE: Request, \$60 million. Fiscal 2012, \$45 million. House committee, nothing.

\* FWS CONSERVATION GRANTS: Request, \$61.3 million. Fiscal 2012, \$61.4 million. House committee, \$22 million.

\* HISTORIC PRESERVATION FUND: Request, \$58.9 million. Fiscal 2012, \$56 million. House committee, \$49.5 million.

\* NPS OPERATIONS: Request, \$2.284 billion. Fiscal 2012, \$2.240 billion. House committee, \$2.243 billion.

\* NPS REC AND PRES: Request, \$52 million. Fiscal 2012, \$60 million. House committee, \$49.4 million.

\* HERITAGE AREAS: Request, \$8 million. Fiscal 2012, \$17.4 million. House committee, \$9 million.

\* NPS CONSTRUCTION: Request, \$160 million. Fiscal 2012, \$159.6 million. House committee, \$152.1 million.

\* FS RECREATION: Request, \$261 million. Fiscal 2012, \$281.6 million. House committee, \$281.6 million.

\* FS TRAILS: Request, \$82.5 million. Fiscal 2012, \$82 million. House committee, not broken out.

\* FOREST LEGACY: Request, \$60 million. Fiscal 2012, \$54 million. House committee, not broken out.

\* BLM RECREATION: Request, \$70.5 million. Fiscal 2012, \$67.5 million. House committee, \$67.6 million.

\* FWS REFUGE MANAEMENT: Request, \$499.2 million. Fiscal 2012, \$486.5 million. House committee, \$455 million.

## House okays Manhattan Project park as part of DoD bill

The House approved without debate June 14 legislation to designate three Manhattan Project locales as a national historical park within the National Park System.

The legislation did not move on its own but was included in an omnibus amendment to a must-pass Defense Authorization Act. The House then approved the underlying bill (HR 1960) 315-to-108 and sent it on to the Senate.

The Senate Energy Committee approved a stand-alone version of the Manhattan bill (S 507) March 16 after hearing the Obama administration strongly endorse the measure.

It is now up to the Senate to determine the legislation's fate. The Senate Armed Services Committee has not begun marking up a counterpart Defense

Authorization Act (S 1034). But the measure as introduced by committee chairman Carl Levin (D-Mich.) does not include the Manhattan provision.

House Natural Resources Committee Chairman Doc Hastings (R-Wash.) said on the House floor June 14 that Congress should approve the Manhattan Project bill because of the role of the three sites in the development of the Atomic Bomb.

"As our nation already possesses these pieces of history, the real purpose of this amendment is to officially declare the importance of preserving the history, providing access to the public, and include the unique abilities of the National Park Service to help tell this story," he said.

Hastings said the legislation would also save money because the sites, almost all owned by the Department of Energy, would otherwise have to undergo expensive demolition.

"Additionally, the government will save tens of millions of dollars from foregone destruction, as opposed to the minimal cost of providing public access and park administration," he said. "Under this amendment, not only will history be protected, but so will taxpayer dollars."

The National Parks Conservation Association (NPCA) said the National Park System could use more sites like HR 1960 devoted to science. "With only a very small percentage of our national parks currently dedicated to interpreting science and technology, the Manhattan Project National Historical Park would help enhance our National Park System - particularly as we look to its 2016 centennial celebration," said Ron Tipton, NPCA senior vice president for policy.

There are important differences between the Senate committee bill and the House bill. The Senate panel approved an amendment to S 507 introduced by Sen. Maria Cantwell (D-Wash.) that would delay the establishment of the park until enough sites were accumulated to make "a

manageable park unit." The House bill simply directs the Park Service within a year to designate boundaries for the historical site from the locales in Los Alamos, N.M.; Oak Ridge, Tenn.; and Hanford, Wash.

In a separate area, reflecting western Republican concerns about an expanding federal land base, the House bill would not allow land purchases. It would also forbid the use of condemnation to obtain land and would bar federal agencies from establishing a "buffer zone" around the park properties.

The counterpart Senate bill specifically authorizes land acquisition, does not mention condemnation and does not mention buffer zones.

## **Senate would grant Customs more access to border lands**

The Senate was on track at press time to approve a big immigration bill (S 744) that would grant the U.S. Customs Service access to federal lands in Arizona, prior to preparation of environmental documentation. The activities would be limited to motorized patrols and the deployment of equipment.

In addition to the Arizona provision in the base bill Republican senators proposed much tougher amendments that would have authorized a broad sweep of activities on federal lands, including construction of roads and bases.

The amendments would waive 39 environmental laws, beginning with the National Environmental Policy Act (NEPA). The provisions would have applied to all federal lands within 100 miles of the Mexican and Canadian borders.

While the Senate rejected those tougher amendments, House Republicans have given them favorable consideration in the past. So they may show up in a counterpart House immigration bill.

Environmentalists fought back in the Senate against both the tougher

amendments and the milder provision that is in the bill. The Center for Biological Diversity said the federal land provisions threaten the measure. "Waiving environmental laws and building more walls on the border won't solve the immigration problem," said Randy Serraglio, a conservation advocate at the Center for Biological Diversity.

And the Sierra Club targeted Sen. John Cornyn (R-Texas), who introduced a major amendment that included the Arizona federal lands provision and other federal land access provisions.

"Sen. Cornyn's amendment serves to further militarize the border, wasting more taxpayer money on an unneeded military buildup on the border, bringing drones, bases, checkpoints, high-voltage lighting and surveillance to every corner of our borderlands, including protected natural areas," said Sierra Club Executive Director Michael Brune. The Senate defeated the Cornyn amendment June 20 by a 43-to-54 vote.

The federal lands access provisions, either those in the bill or those that didn't make it into the bill, may stand a good chance in the Republican House because the House Natural Resources Committee approved legislation last year on April 17, 2012, that tracks the tougher amendment.

That is, it would have granted U.S. Customs access to federal lands while waiving more than 30 laws, such as NEPA and the National Park Service Organic Act.

The Senate amendments and the House committee bill are part of a long campaign by westerners to open the federal lands to U.S. Customs along the Mexican and Canadian border with the United States.

However, the Obama administration testified the legislation is not needed because Customs has a good working relationship with federal land managers.

The underlying bill would allow environmental review, albeit after

the fact. It would authorize the secretaries of Interior and Agriculture to prepare a programmatic EIS after welcoming Customs to the federal lands. The bill says the EIS "shall not control, delay or restrict actions by the Secretary to achieve effective control on Federal lands."

Numerous major federal land sites are located on or near the southern Arizona border. They include Organ Pipe Cactus National Monument, Coronado National Forest, Ironwood Forest National Monument (managed by the Bureau of Land Management - BLM), Sonoran Desert National Monument (managed by BLM), Imperial National Wildlife Refuge, Cabeza Prieta National Wildlife Refuge, Buenos Aires National Wildlife Refuge, Saguaro National Park, Las Cienegas National Conservation Area (managed by BLM), San Pedro Riparian Conservation Area (managed by BLM) and the Chiricahua National Monument (managed by BLM).

One version of a tougher Senate Customs access amendment from Sen. Mike Lee (R-Utah), SA 1207, addressed just federal lands access. Lee would have authorized a broad sweep of activities, including construction of roads and bases, within 100 miles of the Mexican and Canadian borders and waive 39 environmental laws, beginning with NEPA and the National Park Organic Act.

Said Lee on the Senate floor June 20, "The idea of this amendment is we have a problem. We have a problem when (Customs) agents cannot adequately enforce the law, cannot adequately enforce the border, protect it for national security purposes and immigration purposes and the like, simply because of the fact the land is federally owned and environmental restrictions get in their way and interfere with their ability to do that."

Sen. Rand Paul (R-Ky.), Sen. Jeff Sessions (R-Ala.), Sen. Tom Coburn (R-Okla.) and Sen. Deb Fischer (R-Neb.) also offered amendments similar to Lee's. All were defeated or did not make it to the Senate floor.

## Senate committee approves compromise Hatteras ORV bill

The Senate Energy Committee June 18 approved legislation to modify a Cape Hatteras National Seashore off-road vehicle (ORV) plan that substantially differs from a bill approved by a counterpart House committee.

In a compromise worked out by committee leaders and North Carolina senators, the bill would have the Park Service modify buffers around wildlife habitat within 180 days to insure they are (1) as small as possible and (2) of as short a duration as possible. ORVers would not be permitted within the buffers.

The compromise bill replaces a controversial measure (S 486) introduced by Sens. Richard Burr (R-N.C.) and Kay Hagan (N.C.) that would have reversed a Park Service plan to reduce beach access to ORVs in the recreation area.

The bill had been scheduled for committee mark-up May 16 but committee chairman Ron Wyden (D-Ore.) pulled the bill at the request of NPS Director Jon Jarvis. Wyden, Burr, Hagan and ranking committee Republican Lisa Murkowski (Alaska) then put their heads together and came up with the compromise.

Committee leaders, North Carolina senators and the Park Service were all reportedly in accord with the compromise.

Said Burr, "Today's compromise was a critical step forward in the effort to regain access to one of North Carolina's most scenic treasures." Echoed Hagan, "This compromise represents a responsible step toward restoring balance between beach access and important environmental protections."

The Senate compromise calls on the Interior Department (i.e. the Park Service) to make a number of changes in its plan. The changes include:

- \* designation of ORV corridors around bird protection closures to areas open for ORVs,

- \* holding a public comment process to determine if changes are needed to the January 2012 rule,

- \* considering new seasonal routes in the spring and fall that would not harm resources, and

- \* considering modifications to vehicle-free areas.

The House Natural Resources Committee May 15 approved a House bill (HR 819) by a 24-17 vote that would reverse the NPS policy. Rep. Walter Jones (R-N.C.) introduced the House bill.

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

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

## House rejects Farm Bill again; future not promising

For the second time in two years the House June 20 voted against a five-year Farm Bill (HR 1947), setting up the strong possibility Congress will be unable to pass a new bill before the old one expires on October 1.

As Congress is wont to do when it can't write new legislation, it may simply extend the existing law.

The reasons for the bill's collapse are the same as last year: Conservatives complained of excessive spending, particularly for food for the poor, and liberals complained of cuts in Food Stamps.

Some players held out hope the House would eventually pass a bill. Said Sen. Thad Cochran (R-Miss.), ranking minority member on the Senate Agriculture Committee, "We face a September deadline to provide that

certainty, and I am hopeful the House will still be able to come back and pass a bill that can be responsibly conferenced with the farm bill passed by the Senate."

But some environmentalists cheered the, at least temporary, demise of HR 1947. "Wildlife and the people who care about it can breathe a sigh of relief now that the House has defeated the anti-environmental farm bill produced by the House Agriculture Committee. The bill was an affront to our shared natural resources in numerous ways, not the least of which was a crippling cut of \$4.8 billion to voluntary wildlife and soil conservation programs," said Tim Male, vice president of conservation policy at Defenders of Wildlife.

The Senate approved a five-year Farm Bill (S 964) June 10 with significant reductions in conservation spending.

In total the Senate bill would trim \$3.5 billion from projected spending for conservation programs, according to the Congressional Budget Office (CBO). The House committee bill would reduce conservation spending by \$4.8 billion, said CBO.

Senate leaders refused to take up 240 amendments proposed for the Farm Bill, including such dramatic ones as SA 1017 from Sen. Mike Lee (R-Utah) that would have repealed the Conservation Reserve Program (CRP).

Overall the Senate bill follows the pattern of last year's failed measure, i.e. it would reduce funding across-the-board, would reduce funding for conservation programs specifically and would consolidate programs.

Included in both the Senate-passed and House committee-passed bills are provisions to keep alive the Conservation Reserve Program, a consolidated conservation easement program, an Open Fields program and the new loan/conservation policy.

In addition the Senate bill includes a new provision that would require farmers to remove fragile lands

from cultivation as part of a crop insurance program. The crop insurance would largely replace direct payments now made to farmers.

The House panel would reduce farm spending by \$40 billion over the next 10 years, or \$17 billion more than the \$23 billion the Senate would cut. The Obama administration has endorsed the Senate bill.

The Senate generosity applies to conservation programs, including a Conservation Reserve Program and an Open Fields program. The Senate committee would reduce the Conservation Reserve Program from the existing 32 million acres to 25 million acres, but that is more than the 24 million acres in the House draft.

And both bills would retain an Open Fields program with the Senate providing \$40 million over five years and the House \$30 million. The program is formally known as the Voluntary Public Access and Habitat Incentive Program. The money would be used to continue an existing program that has passed \$50 million in grants through states to encourage private landowners to welcome outdoor recreationists on their lands.

Secretary of Agriculture Tom Vilsack praised the House conservation provision, even though the administration says it prefers the Senate bill. "There is the conservation title," he said in a televised statement. "There's no question in my mind farmers and ranchers are the best stewards of our land, water and air, but they need help and assistance especially in this difficult time with the variation of climate that we're confronting."

## **House panel hears proposals for new fed rec fee law**

House Natural Resources Committee members did not tip their hands Tuesday (June 18) as to their recommendations for the next iteration of a federal recreation entrance/user fee law.

But Rep. Rob Bishop (R-Utah), chairman of the House subcommittee on

Public Lands, said Congress must act to extend or replace the old law one way or the other. Several options are on the table:

*Simple extension.* The Obama administration has recommended a one-year extension of the existing law, the Federal Lands Recreation Enhancement Act (FLREA), when it expires on Dec. 8, 2014.

*Rewrite.* The leading critic of the bill, the Western Slope No-Fee Coalition, so dislikes FLREA that it says Congress should scrap it and write a new law now.

*Multi-year extension, plus.* The recreation industry recommended last week a three-year extension of FLREA combined with pilot programs to test new fees, such as variable entrance fees to the Park Service that would peak in peak seasons.

Whatever choice Congress makes, said Bishop, it should begin to address legislation now because of multi-year permits issued under the existing law. "The sooner we can renew this act and makes changes to improve the act the better it will be," he said, adding, "One way or the other the law has to be reauthorized."

That's because FLREA, enacted on Dec. 8, 2004 (PL 108-447, Section 804) is only good for 10 years. The law brings in about \$270 million per year and most of the money is used to improve recreation facilities.

The Park Service reaps about \$179 million per year, or about eight percent of its recreation budget; the Forest Service takes in about \$66 million, or 25 percent of its recreation budget; the Bureau of Land Management (BLM) receives \$18 million, or 25 percent of its recreation budget; the Fish and Wildlife Service grosses \$5 million, or one percent of its rec budget; and the Bureau of Reclamation receives less than \$1 million.

Bishop's subcommittee intends to hold three additional hearings on FLREA. The subcommittee is not expected to put

together a draft bill until the hearings have concluded.

Much of the recreation establishment supports renewal of FLREA. That includes House Appropriations subcommittee on Interior and Related Agencies Chairman Mike Simpson (R-Idaho), who may or may not be asked to extend FLREA in the stead of the authorizing committee.

At the June 18 hearing of Bishop's subcommittee ranking Democrat Raúl Grijalva (Ariz.) at once defended the oft-criticized federal land management agencies, while at the same time questioning the efficacy of the law. "Despite what people are saying about these federal agencies, they are rational players," he said. "If they get less money from Congress, it is only rational for them to seek other funds from recreation fees."

Then he offered the caveat, "I'm not sure this is what Congress had in mind when we provided that authority. I'm also concerned about the amounts of money the public should have to pay."

The lead critic of FLREA, Western Slope No-Fee Coalition President Kitty Benzar, concentrated her fire on the Forest Service and BLM practice of charging entrance fees to large areas that contain developed sites, even if the visitor does not intend to use the developed campground or marina. Those are called amenity fees.

Benzar charged the agencies have abused special amenity fees by building unneeded facilities in an area in order to call it developed and by defining special areas overly broadly.

As for building unneeded facilities she said, "The 'build it and they will pay' approach, favored by the Forest Service, has resulted in unneeded and excessive facilities being erected that add to maintenance backlogs, merely in order to justify charging a fee."

As for broad species areas she said, "The Special Recreation Permit approach, used especially by the BLM, imposes fees not for 'specialized

recreation uses,' as the law says, but for all use of 'special areas' - as defined by the agency - resulting in fees for access even to primitive areas and the categorization of something as simple as a family hiking trip as a 'specialized use.'"

The Forest Service said it had made a concerted effort to make sure that standard amenity fees are only charged at developed sites. Said Leslie Weldon, deputy chief of the National Forest System, "In response to concerns regarding standard amenity recreation fees charged for areas with multiple developed recreation sites, in 2011, the Forest Service reviewed all 97 of these areas and developed proposals to eliminate 75 percent of these areas and reduce the size of most of the remaining 25 percent. As a result, many recreation sites would be eliminated from the recreation fee program."

Before the hearing the American Recreation Coalition submitted on behalf of a number of groups recommendations to the subcommittee for Park Service pilot programs. Those recommendations, also submitted last month to NPS director Jon Jarvis, would restructure the agency's entrance and user fee system, using existing administrative authority.

Ten advocacy groups, ranging alphabetically from the American Hiking Society to the Western States Tourism Policy Council, called on Jarvis to adopt a "dynamic pricing" system.

That would include higher prices during high season and lower prices in off-seasons. And it would include shorter-duration passes for international visitors.

In a second development the Senate May 15 approved legislation (S 601) to authorize individual Corps of Engineers facilities to retain entrance and user fees under FLREA, just as NPS, BLM, the Forest Service, the Fish and Wildlife Service, and the Bureau of Reclamation do now.

The Corps is no small player in the outdoor recreation world. It hosts 400 million visitors per year, more than

the National Park Service or Forest Service.

The Senate attached the Corps legislation to a Water Resources Development Act. The House has not begun work on a counterpart water resources bill.

## **Jamestown, Mass. lighthouse on endangered site list**

The Jamestown Settlement in Virginia June 19 made the list of the nation's most endangered historic places, as published by the National Trust for Historic Preservation.

The trust said Jamestown, part of the Colonial National Historical Park, is threatened by a proposed power line that would "compromise scenic integrity," said the trust.

Also on the trust's list is the Gay Head Lighthouse in Aquinnah, Mass., on Martha's Vineyard that is threatened by erosion and climate change.

For 25 years the National Trust has published an annual list of the 11 most endangered historical sites in the country. Most are buildings, but occasionally they are located in parks, such as the Jamestown Settlement.

According to the trust, the list is one of the most successful of the Top 10 (or Top 11) lists published by various groups, such as American Rivers's list of the 10 most endangered rivers. The National Trust for Historic Preservation says it has identified 234 endangered sites and few have been lost.

"As it has over the past 26 years, we hope this year's list inspires people to speak out for the important places in their own communities that help to define our nation's past - and enrich its future," said Stephanie Meeks, president of the trust.

Making the list this year in addition to Jamestown and Gay Head Lighthouse are: the Astrodome in Houston, Texas, the first domed stadium; Chinatown House in Rancho Cucamonga,

Calif., where Chinese laborers lived; the Historic Rural Schoolhouses of Montana - Statewide; Kake Cannery in Kake, Alaska, a center for the state's salmon industry; Mountain View Black Officers' Club in Fort Huachuca, Ariz., an example of an African-American officers club; San Jose Church in Old San Juan, Puerto Rico, a Spanish Gothic specimen; Village of Mariemont in Cincinnati, Ohio, a planner's dream of a community; and Worldport Terminal at JFK Airport in Jamaica, N.Y.

**Jamestown threat:** Preservationists object to a proposed eight-mile long electrical transmission line that would cross the James River and require 17 towers near Jamestown, Williamsburg and Yorktown.

Dominion Virginia Power, Virginia's largest utility and the proponent of the project, said in a statement it had "thoroughly investigated all viable alternatives, and only our proposal solves all the problems in a timely manner associated with providing reliable power to the north Hampton Roads area." "Dominion is sensitive to historic and environmental concerns," said Scot Hathaway, vice president of transmission for the utility. "We have recommended a route that is the least impactful and the most economical."

**Gay Head Lighthouse threat:** This oldest lighthouse on Martha's Vineyard is located on Gay Head Cliffs, a national natural landmark. Because of erosion and climate change the lighthouse is within 10 feet of slipping over the edge of the cliffs. It is now just over 50 feet from the edge. The tower must be moved to save it but there is little room left for equipment needed to do the job.

More on the trust's campaign at: <http://www.preservationnation.org/who-we-are/press-center/#.UchhQuud6x9>

## **NPS Centennial coin bill might provide a little money**

With some fanfare a Democratic senator and a Republican senator

announced June 22 they have introduced legislation (S 1158) to authorize the minting of coins to commemorate the upcoming Centennial of the National Park System.

But do the math: the gold, silver and half-dollar coins combined would bring in a total of \$1,750,000. Compared to the many billions of dollars park advocates say the system needs the legislation would not scratch the surface.

But the introduction of the bill by Sens. Mark Warner (D-Va.) and Michael Enzi (R-Wyo.) does indicate Congress is thinking about the upcoming Centennial in 2016 and how to finance the parks. Senate Energy Committee Chairman Ron Wyden (D-Ore.) and Sen. John Barrasso (R-Wyo.) cosponsored the bill.

"America's national parks are a testament to our heritage and the natural beauty of this nation," said Enzi. "Our legislation would help the National Park Service raise the private funds needed to share this history with future generations. These coins will forever remind those who visit the parks that they helped preserve an integral part of this great country."

Perhaps more important were the June 6 assertions of Sen. John Portman (R-Ohio) and Senate Energy Committee Chairman Ron Wyden (D-Ore.) that they were seeking support for legislation to establish an endowment with matched dollar-for-dollar public-private contributions to the parks. Past such proposals recommended as much as \$1 billion per year.

At a hearing of the Senate Energy Committee on the fiscal year 2014 Interior Department budget Portman said he was working with Senate subcommittee on National Parks chairman Mark Udall (D-Ariz.) to write the endowment legislation.

Short of actually writing legislation to establish an endowment program, Portman and Udall June 11 were the lead signatories on a letter to President Obama asking for his help in upgrading the National Park System in

anticipation of the Centennial.

Fifty-one senators and 171 House members signed the letter to Obama that said: "Past presidents and congresses have worked together at key times to repair, improve and enhance parks and facilities, to develop creative ways of connecting the American people with our national treasures and to better preserve our parks for future generations. The national park centennial provides an opportunity to reinvigorate the national parks for their second century of service. We look forward to working with you and your staff to build on momentum from the 100th anniversary of the National Parks System to find a sustainable path forward for our national parks."

But that doesn't pay the bills. Nor would the coin legislation pay the bills.

Portman, Udall and Wyden are following up in a way on both a Second Century Commission report on the future of NPS and a Centennial blueprint written by the Park Service itself, *A Call to Action*. Among other things *A Call to Action*, published on Aug. 25, 2011, recommended a \$1 billion endowment program.

Last year Udall and Portman worked on similar endowment legislation but it was not introduced. Udall chairs the Senate subcommittee on National Parks and Portman is the ranking Republican. Udall's office warned last year the legislation may not go anywhere in 2012 because of the upcoming election.

As a supplement to the Second Century Commission and *A Call to Action* major advocacy groups backing NPS are attempting to identify possible new sources of unconventional revenues for the parks. The National Park Foundation, the National Parks Conservation Association and the National Park Hospitality Association have come up with more than a dozen recommendations.

The recommendations were presented March 19 to a stellar group of past and present Congressmen, cabinet members and

other VIPs of the park and rec world at a meeting hosted by the Bipartisan Policy Center.

At the meeting two sources of revenue appeared to draw the most interest - diversion of a portion of oil and gas royalties to a new NPS fund of about \$350 million per year and a penny per gallon gasoline tax of about \$1.5 billion per year. (The gas tax would be used for all federal land management agency roads, not just park roads.)

## Notes

**Obama climate details to come.** In laying out an ambitious climate policy June 26 President Obama did not describe in detail how the policy would affect park and rec programs. But he left no doubt that down the line there would be significant impacts. Perhaps most significant would be a signature proposal to limit carbon pollution from power plants that environmentalists charge foul the air and water over national parks and limit visibility. Again the details of those limits won't be known until EPA proposes new regulations. Still, conservationists applauded. Said Mark Wenzler, vice president of clean air and climate for the National Parks Conservation Association, "We are hopeful that the President's pledge to decrease emissions from power plants, to implement better vehicle fuel economy standards, and to take steps to make our nation less vulnerable to climate change will ease the burden being felt by the plants, fish, wildlife and other treasures preserved by our national parks." Elsewhere in his plan Obama promised to conserve natural resources. "The Administration is also implementing climate-adaptation strategies that promote resilience in fish and wildlife populations, forests and other plant communities, freshwater resources, and the ocean," the report says. "Building on these efforts, the President is also directing federal agencies to identify and evaluate additional approaches to improve our natural defenses against extreme weather, protect biodiversity and conserve natural resources in the face of a changing climate, and manage our public lands and natural systems to store more carbon." Conservation Hawks,

an alliance of hunters and fishermen, applauded, "We are particularly heartened by his focus on conserving land and water resources, maintaining agricultural sustainability, managing drought, reducing wildfire risks, and promoting resilience in fish and wildlife populations." However, Congressional Republicans gave every indication they will not cooperate, particularly if the policy limits energy production. Said Senate Minority Leader Mitch McConnell (R-Ky.), "The message this sends should worry anyone who cares about constitutional self-government, that the President can simply ignore the will of the representatives sent here by the people because he wants to, because special interests are lobbying him, and because he wants to appease some far-left segment of his base." The policy is available at:

<http://www.whitehouse.gov/sites/default/files/image/president27sclimateactionplan.pdf>.

**NPS posts new speech rule.** The Park Service on June 24 made permanent a regulation that settles a major lawsuit dealing with free speech in the National Park System. As with an interim rule that it published in October 2010, the final rule allows individuals or groups of 25 or less to demonstrate in national parks without a permit. It also allows individuals and groups of 25 or less to distribute literature in the parks. At issue was a rule published by the Reagan administration in 1983 that required a permit from the Park Service for any individual or group that wished to speak within a national park. Each park set aside free speech areas. The rule also required a permit to distribute literature. In 2007, the appellant in the lawsuit, Michael Boardley, attempted to distribute papers on the Gospel of Jesus Christ in a free speech area of Mount Rushmore National Memorial. A ranger blocked the attempt because Boardley and friends had not obtained a permit. Boardley took the case to the U.S. District Court for the District of Columbia and the court agreed with him. On Aug. 6, 2010, the U.S. Court of Appeals for the District of Columbia agreed with the district court and Boardley. In its interim rule the Park Service attempted to clarify what

constituted a demonstration. It said that "this rule more narrowly limits the definition of a demonstration, and makes explicit that the term includes demonstrations, picketing, speechmaking, marching, holding vigils or religious services and all other like forms of conduct which involve the communication or expression of views or grievances, engaged in by one or more persons, the conduct of which is reasonably likely to draw a crowd or onlookers."

**Beach pollution down.** A new report on the health of America's beaches holds that beach closings and advisory days last year decreased by 14 percent. The Natural Resources Defense Council (NRDC) said June 26 that water quality at the nation's beaches improved in large part because of a national decrease in rainfall. In that the major cause of beach pollution is stormwater runoff, a decrease in rainfall yields less pollutants, such as sewage overflow. In its 23<sup>rd</sup> annual report on beach contamination NRDC put pressure on EPA to stiffen its regulation of polluted stormwater and of recreational beachwater quality standards. "Sewage and contaminated runoff in the water can spoil a family vacation real fast, turning a day of lounging at the beach into a day at the doctor's office with a sick child," said NRDC senior attorney Jon Devine. "It's no surprise that pollution in the waves is bad for business in beach communities. Our government leaders can help support local economies and salvage countless summer getaways nationwide by tackling one of the principal sources of these problems is stormwater runoff." As it usually does, NRDC also gave credit to 13 clean beaches. The report is available at: <http://www.nrdc.org/beaches>.

**Stomach bug hits Yellowstone, Teton.** More than 200 employees of, and visitors to, Yellowstone and Grand Teton National Parks were hit by a stomach virus last week, the parks reported. No one died. The parks and the Yellowstone concessioner Xanterra Parks and Resorts immediately began cleaning and disinfecting public areas. The norovirus is usually not serious with symptoms of vomiting and diarrhea

subsiding after a day or two. NPS said 150 employees of the parks contracted the illness and 50 visitors. Much more serious was the hantavirus that struck Yosemite National Park last summer killing three people and making several more ill. Most Yosemite victims had stayed in signature tent cabins in Curry Village, where mice were believed to have spread the illness.

#### **Revised urban parks aide bill**

**in.** Rep. Albio Sires (D-N.J.) and 11 of his colleagues introduced legislation (HR 2424) June 18 that would authorize an urban parks assistance program in the Department of Housing and Urban Development (HUD). Sires made several major changes in a prototype of the legislation that was introduced in the last Congress. The old bill would have authorized up to \$445 million per year in grants from HUD appropriations to revitalize parks. The new bill would both authorize a grant program from an unspecified appropriation and a loan program for major projects. The loan program would take \$50 million per year from the Land and Water Conservation Fund. "With most Americans living in urban and metropolitan regions, it's critical that we provide communities with the tools they need to create new or rehabilitate existing parks and recreation spaces," said Sires. The Obama administration in its fiscal year 2014 budget request proposed the revitalization of a related Urban Parks and Recreation Recovery (UPAR) program administered by the Park Service. It asked for a \$15 million appropriation for UPAR. The Republican majority in the House has not taken kindly to either the Sires proposal or the UPAR program in the past.

#### **Ike commission approves design.**

In the face of a House committee vote to throw out a sitting Eisenhower Memorial Commission in a disagreement over the design of the proposed memorial, the nine-member commission June 19 approved the design. The vote was unanimous. Before the vote controversial architect Frank Gehry proposed significant modifications to the memorial, including stone carvings of Eisenhower's accomplishments in the U.S. Army and as President. The House Natural

Resources Committee June 12 approved legislation (HR 1126) that would require a new design of the memorial on the Washington Mall. Committee leaders took the side of the Eisenhower family in the dispute over the design based on metal tapestries of a youthful Ike set in his Kansas hometown. The Republicans and the Eisenhower family would prefer the design emphasize Ike's concrete achievements in World War II and as President. That's what Gehry has said he has added to the mix. Rep. Rob Bishop (R-Utah), chairman of the House subcommittee on Public Lands, introduced the bill that would establish a new commission, with new staff, that would hold a new design competition. However, another key House subcommittee chair, Mike Simpson (R-Idaho) of the appropriations subcommittee on Interior, is a member of the Eisenhower commission and he voted for the original design.

#### **House approves military land**

**bills.** The House approved June 14 the transfer or withdrawal of five areas of public lands for military use in the West. Included was a controversial proposal to transfer in perpetuity more than one million acres of Bureau of Land Management (BLM) land to a China Lake Naval Station in California. The bills were attached to a must-pass bill (HR 1960) that would authorize Department of Defense policy for fiscal year 2014. House Natural Resources Committee Democrats chafed at the China Lake transfer at a May 15 mark-up, contending the bill (HR 1673 by itself) would effectively give the lands to the U.S. Navy permanently without further review. But they were not able to offer an amendment on the House floor. Democrats would rather transfer the land as part of a 25-year withdrawal. The other four withdrawal/transfer bills attached to HR 1960 include: *Naval Air Station Fallon, Nev.:* This bill (HR 1169) from Rep. Mark Amodei (R-Nev.) would transfer 400 acres to the Naval Air Station in Nevada. *White Sands Missile Range, N.M.:* This bill (HR 1299) from Rep. Stevan Pearce (R-N.M.) would transfer 5,100 acres to the U.S. Army for use by the White Sands Missile Range in New Mexico. *Limestone Hills Training Area, Mont.:* This bill (HR 1672) from Rep. Steve Daines (R-Mont.) would withdraw 187,644

acres of BLM land for use by the U.S. Army's Limestone Hills Training Area in Montana. *Chocolate Mountain Aerial Gunnery Range, Calif.*: This bill (HR 1691) from Rep. Juan Vargas (D-Calif.) would authorize the transfer of 226,711 acres of BLM land to the U.S. Navy for the Chocolate Mountain Aerial Gunnery Range in California.

**Attacks on fed employees jump.** Of

all federal land management agencies the Park Service showed the greatest increase in attacks on employees in 2012, according to a database maintained by the environmental group Public Employees for Environmental Responsibility (PEER). NPS employees suffered a 42.9 percent increase in violent incidents, led by the murder of law enforcement ranger Margaret Anderson on Jan. 1, 2012, in Mountain Rainier National Park. Of note PEER said the 2010 passage by Congress of a law to allow loaded firearms in parks and refuges has not played a role in the increased assaults. PEER said contributing to the increase were "conflicts over resource protection policies, growing use of public lands for meth labs and marijuana plantations as well as deeper penetration of backcountry by off-road vehicles."

**GAO: Agencies acting on climate.**

The Government Accountability Office (GAO) June 20 published a survey of five federal agency climate change policies and concluded that four had developed strategic plans. The one agency that had not, the Bureau of Land Management (BLM), plans to by the end of this summer. GAO looked at national policies and at one specific site for each of the five agencies. It said the Park Service adopted a climate change strategy in 2010 and an action plan to implement it in November 2012. GAO studied in depth Glacier National Park. GAO also surveyed the Forest Service and its Chugach National Forest in Alaska; the National Oceanic and Atmospheric Administration and its Florida Keys National Marine Sanctuary; the Fish and Wildlife Service and its Pablo Bay National Wildlife Refuge in California; and BLM and its Kingman Field Office in Arizona. The survey, *CLIMATE CHANGE: Various Adaptation Efforts Are Under*

*Way at Key Natural Resource Management Agencies, is available at:*  
<http://www.gao.gov/products/GAO-13-253>.

**Senators fear monument**

**designations.** Ten Republican senators wrote President Obama June 14 to try to head off the designation of new national monuments on public lands in the West recommended by the Sierra Club. The letter, under the lead of Sens. David Vitter (R-La.) and Lisa Murkowski (R-Alaska), worries that the designation of national monuments would limit energy production. "Such an antiquated law should not be misused to unnecessarily hinder America's energy industry in order to score political points with radical environmental groups, to benefit political allies or to secure congressional seats," they wrote. Their overall target is the Antiquities Act of 1906 that authorizes a President to designate unilaterally national monuments from public lands. The senators said the President should defer to them. Their specific target is a Sierra Club initiative called Our Wild American (<http://content.sierraclub.org/ourwildamerica/>) that mentions such possible monuments as a Greater Canyonlands National Monument in Utah, a Browns Canyon National Monument in Colorado, a Rio Grande Del Norte National Monument in New Mexico and a Grand Canyon Watershed National Monument in Arizona. House Republicans have their own strategy - a bill (HR 1459) to subject a designation to the National Environmental Policy Act prior to consummation. It was introduced by Rep. Rob Bishop (R-Utah) and seven of his colleagues. Here are some other Republican monument bills: STATE APPROVAL NATIONAL: HR 382 would require the approval of a state's governor and legislature before a monument could be designated (Rep. Virginia Foxx (R-N.C.)) CONGRESSIONAL APPROVAL NATIONAL: HR 250 would require Congressional approval of any monument designation before it could be executed (Rep. Jason Chaffetz (R-Utah)). S 104 from Vitter would do the same. CONGRESSIONAL APPROVAL BY STATE: HR 432 for Nevada, Rep. Mark Amodei (R); HR 1434 for Montana, Rep. Steve Daines (R); HR 1439 for Idaho, Rep. Raúl Labrador (R); HR 151 for New Mexico, Rep. Steve Pearce (R); HR 757

for Utah, Rep. Stewart; and HR 1495 for Arizona, Rep. Paul Gosar (R). S 472 from Sen. Dean Heller (R) would also require Congressional approval for any monument in Nevada.

## Boxscore of Legislation

### Appropriations Fiscal 2014

Obama submitted request April 10. Would increase most conservation spending and maintain federal agency spending. Asks guaranteed LWCF. House, Senate far apart on subcommittee spending caps.

### Congressional Budget Fiscal 2014

H Con Res 25 (Ryan), S Con Res 8 (Murray). House approved March 21. Senate approved March 23. Senate anticipates \$6 billion more for natural resources than House.

### Appropriations Fiscal 2013

HR 933 (Rogers). President Obama signed into law March 26 as PL 113-6. Law approves appropriations through end of fiscal year at about fiscal 2012 levels, minus an \$85 billion sequestration.

### Land and Water Conservation Fund

S 338 (Baucus). Baucus introduced February 14. Would guarantee \$900 million per year to program in perpetuity.

### Urban park fund

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

### National recreation commission.

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

### National monuments

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

### National heritage areas

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

### Montana wilderness/recreation areas

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

### Farm bill

S 954 (Stabenow), HR 1947 (Lucas). Senate approved June 11. House rejected June 20. Both would establish new farm policy through 2018, complete with conservation programs.

### Hunting federal lands

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

### WRDA (Everglades)

S 601 (Boxer). Senate approved May 15. Would authorize new projects, perhaps including Everglades restoration.

### Hatteras ORVs

HR 819 (Jones), S 486 (Burr). House committee approved May 15. Senate committee approved June 18. House would rescind a Park Service policy limiting off-road-vehicles on the seashore. Senate panel would compromise.

### National park in Delaware

HR 703 (Carney), S 347 (Carper). President designated national monument February 25. Provides a first national park in the first state to join the union.

### Manhattan Project

HR 1208 (Hastings), S 507 (Cantwell). House committee approved April 24. Senate subcommittee hearing April 23. Would establish national park unit to acknowledge development of the Atom Bomb in Alamos, N.M.; Oak Ridge, Tenn.; and Hanford, Wash.

### Forest Service cabin fees

HR 1159 (Hastings). House committee approved March 20. Would establish a new system of fees for owners of cabins within the National Forest System.