

# Federal Parks & Recreation

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## DoI appropriators give austerity teeth in approps

A House subcommittee June 10 approved a fiscal year 2016 Interior and Related Agencies appropriations bill that would barely maintain fiscal 2015 expenditures for land management agencies and conservation.

For Park Service operations the subcommittee did approve a \$52 million increase, primarily for the agency's Centennial in 2016. The subcommittee would appropriate \$2.328 billion for operations, compared to a fiscal 2015 appropriation of \$2.276 billion. (See following article on NPS Centennial funding.)

For the Land and Water Conservation Fund (LWCF) the subcommittee approved \$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 as fiscal 2015 for state grants.

The House subcommittee on Interior and Related Agencies was hobbled by three factors: (1) it has a spending cap slightly under the fiscal 2015 level; (2) it has to allocate \$452 million for the payments of lieu of taxes county assistance program that is usually funded outside spending bills and (3) it has to set aside money for emergency fire fighting.

Ranking subcommittee Democrat Betty McCollum (D-Minn.) said the emergency fire payments don't belong in the bill. "This bill includes \$3.5 billion for wildfires, which is 12 percent of the subcommittee's allocation," she said. "The majority has failed to do anything to contain the burden of this cost. But we know the answer to this and many of us are

cosponsors of (Rep. Michael) Simpson's (R-Idaho) bill, HR 167, to treat a portion of fire costs as they really are - disasters.

Subcommittee Chairman Ken Calvert (R-Calif.) addressed the fire situation. "Fire seasons are becoming longer and more destructive, putting people, communities and ecosystems at greater risk," he said. "A policy of borrowing funds from other programs in order to fight fires makes forests less healthy and fuels more fires . . . This is an endless cycle that Congress must address. In the meantime the committee has provided robust wildfire funding in the fiscal year 2016 bill."

**The LWCF situation:** The subcommittee would reduce federal land acquisition under the 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 chairman Calvert of the LWCF allocation, "Some members would prefer more funding. Others would prefer less funding for LWCF. We attempt to forge a middle ground that attempts to return the emphasis of LWCF to its original intent of recreation and state and local acquisitions."

By including money for LWCF in the spending bill the subcommittee effectively extended LWCF beyond its scheduled expiration date of September 30. As we have often reported this year Democratic and Republican senators alike have pushed for a permanent extension of LWCF. The House has not been as enthusiastic.

But Republican senators may demand some change in the program. Notably, Senate Energy Committee Chairman Lisa Murkowski (R-Alaska) is calling for the transfer money out of LWCF and into federal land management agency maintenance. However, Murkowski has also insisted she intends to attempt to renew the program in her committee. (Or in the Senate subcommittee on Interior appropriations that she also chairs.)

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.

Despite all 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 Murkowski 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."

Five Republican senators led by Burr have sponsored 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 bill has not begun to move and faces significantly higher hurdles than do the Senate bills.

**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 McCollum 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.

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 addition to money the House subcommittee delved into substantive policy approving numerous riders and other provisions to halt programs. (See *separate article page 5.*)

The bill is now scheduled for consideration by the full House Appropriations Committee next week, despite the controversies. How far it goes after that is open to question. But floor action is possible before Congress leaves for a July 4 holiday on June 26.

It is understood that the Senate, which usually trails far behind the House, anticipates the counterpart Interior subcommittee will mark up June 16 and take the bill to full committee June 18.

**Some numbers:** The House subcommittee has not released full details of the allocations in the fiscal 2016 bill yet, but here are some of the appropriations the subcommittee approved:

**LWCF FEDERAL:** In total the subcommittee approved \$91 million 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 compared to \$20 million in fiscal 2015; the Fish and Wildlife Service would receive \$27.5 million compared to \$47.5 million; the Park Service would receive \$36.25 million compared to \$51 million; and the Forest Service would receive \$20 million compared to \$47.5 million.

**LWCF STATE:** The subcommittee would appropriate \$48 million, the same as in fiscal 2015.

**PARK SERVICE OPERATIONS:** The subcommittee approved \$2.328 billion, or \$52 million more than a fiscal 2015 appropriation of \$2.276 billion.

**PARK SERVICE RECREATION AND PRESERVATION:** The subcommittee approved \$62.5 million, about the same as the fiscal 2015 appropriation of \$63.1 million.

**PARK SERVICE CONSTRUCTION:** The subcommittee approved \$139.6 million, about the same as a fiscal 2015 appropriation of \$138.3 million.

**PARK SERVICE HISTORIC**

**PRESERVATION:** The subcommittee approved \$60.9 million, or \$4.5 million more than the fiscal 2015 appropriation of \$56.4 million.

**STATE WILDLIFE CONSERVATION GRANTS:** The subcommittee approved \$59.2 million, or \$500,000 more than the fiscal 2015 appropriation of \$58.7 million.

**NATIONAL FOREST SYSTEM:** The subcommittee approved \$1.490 billion, or slightly less than the fiscal 2015 appropriation of \$1.494 billion.

**BLM RESOURCE MANAGEMENT:** The subcommittee approved \$1.015 billion, or \$62 million more than the fiscal 2015 appropriation of \$952.7 million.

**FIRES:** For the Forest Service the subcommittee approved \$2.373 billion for regular fire fighting and fire prevention expenses and \$315 million for an emergency FLAME account.

For the Interior Department it approved \$805 million in regular firefighting and fire prevention expenses and \$92 million for FLAME.

However, the subcommittee did not address the bipartisan legislative proposal (HR 167) McCollum referred to that would transfer emergency fire-fighting appropriations to a category of disaster funding. Such a shift could free up hundreds of millions of dollars per year from the appropriations bill for other purposes.

## **NPS Centennial among few gainers in House money bill**

The House subcommittee on Interior appropriations approved an extra \$60 million for the Park Service in anticipation of its Centennial in 2016 as part of a fiscal year 2016 money bill.

Of that, \$20 million would be used as a Centennial Challenge program that would have nonfederal partners match appropriations dollar-for-dollar. However, the administration budget request recommended \$100 million for a Centennial Challenge program in fiscal 2016.

Subcommittee on Interior and Related Agencies Chairman Ken Calvert (R-Calif.) said the bill includes "\$60 million in new funding relative to the Centennial of the National Park System." The other \$40 million is presumably included in operations, maintenance and construction allocations to the Park Service. The subcommittee has not yet released details of the Centennial allocations.

The bill is now scheduled for consideration by the full House Appropriations Committee next week. How far it goes after that is open to question. But floor action is possible before Congress leaves for a July 4 holiday on June 26.

In its February 2 fiscal 2016 budget request the Obama administration asked Congress for \$859.1 million for the Park Service Centennial. Some of that would be appropriated and the rest put up by authorizing committees in new legislation.

The Interior Department said the request includes \$559.1 million of appropriated money and \$300 million from mandatory funding.

Because the House subcommittee included a total of \$40 million in other line items, such as maintenance and construction, direct comparison with the administration request are not possible yet.

### **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.

Sens. Maria Cantwell (D-Ore.) and Rob Portman (R-Ohio) are 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.

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

The Cantwell-Portman bill has been imminent for months, but parks advocates now hope a bill will emerge before Congress goes on summer recess 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.

But the concern of Park Service endowment backers is that Congressional appropriators would reduce appropriations commensurately with

donations and interest, with no net gain.

## **FLREA among riders in House approps panel money bill**

The House subcommittee on Interior appropriations approved a one-year extension of the federal recreation fee law June 10 in the course of passing a fiscal year 2016 Interior and Related Agencies appropriations bill.

The present law, the Federal Lands Recreation Enhancements Act of 2004 (FLREA), is scheduled to expire on Sept. 30, 2016. If the subcommittee provision were enacted, it would extend the law through Sept. 30, 2017.

The extension would give Congress time to write a multi-year update to FLREA and time for federal land management agencies and concessioners to prepare for a new law.

The appropriations bill rider matches a stand-alone bill (HR 1991) approved by the House Natural Resources Committee April 30 that would extend FLREA one year and give that panel an opportunity to write a new law.

Congress usually offers extensions of rec fee laws one year in advance in order to give federal land management agencies time to prepare and announce fee schedules for approaching seasons.

The FLREA provision was but one of two dozen riders or program blockages included in the bill by committee Republicans, according to ranking subcommittee minority member Betty McCollum (D-Minn.), to her irritation.

"I must express my concern and disappointment about the two dozen legislative riders and funding limitations," she said. "These provisions do not belong in our bill. They undermine important environmental laws, interfere with public health and safety, and deny climate change and have a very real impact on our planet."

But subcommittee On Interior and Related Agencies Chairman Ken Calvert

(R-Calif.), who drafted the bill, criticized the Obama administration for what he called "regulatory overreach."

Two of those riders aimed at EPA have special implications for the outdoors - one would block a proposed regulation targeting coal power plants that sometimes spread pollution over Class I national parks.

And one would block a new rule that would expand the kinds of wetlands requiring construction permits.

The bill is now scheduled for consideration by the full House Appropriations Committee next week, despite the controversies. How far it goes after that is open to question. But floor action is possible before Congress leaves for a July 4 holiday on June 26.

It is understood that the Senate, which usually trails far behind the House, anticipates the counterpart Interior subcommittee will mark up June 16 and take the bill to full committee June 18.

**FLREA EXTENSION:** 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.

And that creates a problem because last year HR 5204, to the consternation of the Obama administration, would have required Congressional approval of any individual area fee increases. The administration said that would usurp agency authority to assess fees.

After the House Natural Resources Committee approved the comprehensive rec fee bill last year, the panel left several other issues unresolved. In addition to the dispute over the

authority to set new fees, Congress or land management agencies, the committee did not address appropriate discounts for senior citizens age 62 or older.

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 (Section 428):** The 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 (SECTION 422):** The 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 (SECTION 434):** The committee 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 (SECTION 425):** The committee 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.

The bill is available at: <http://appropriations.house.gov/uploadedfiles/bills-114hr-sc-ap-fy2016-interior-subcommitteedraft.pdf>.

## **GOP attack on highway rec program not consummated, yet**

The House did NOT consider June 9 an expected amendment to eliminate a core outdoor initiative called the Transportation Alternatives Program (TAP) during consideration of a fiscal year 2016 Transportation spending bill.

The House then proceeded to give final approval to the spending bill (HR 2577).

But the proposal to eliminate TAP from the existing surface transportation law, Moving Ahead for Progress in the 21st Century Act (MAP-21), is very much alive in the form of a stand-alone bill (HR 2609).

Bill sponsor Rep. Sam Johnson (R-Texas) said on introducing his bill June 2 he would like to eliminate the \$820 million per year TAP program when MAP-21 comes up for renewal.

That could be soon. Congress last month extended MAP-21 through the end of July (PL 114-21 of May 29), meaning the House and Senate need to begin work stat on a replacement bill. Most parties hope that extension will be for several years.

Said Johnson, "It's not news that North Texas is booming, and I'm sure it also comes as no surprise that most commuters drive - in fact, over 85 percent of American commuters are drivers. And yet every time commuters fill up at the pump, some of their gas tax dollars go towards projects like buggy trails and bike paths rather than where they are needed most - roads and bridges. My bill would right this wrong."

A cosponsor of Johnson's bill, Rep. Vicky Hartzler (D-Mo.), introduced

a separate measure (HR 2606) that would eliminate a program that authorizes landscaping and the planting of wildflowers along federal-aid highways.

Said Hartzler, "From 1992 to 2013, over \$1.3 billion was spent on landscaping and scenic beautification. That's \$1.3 billion that could have been spent repairing the over 60,000 'structurally deficient' bridges - more than 3,300 of which are in Missouri - or the miles of highways that continue to plague our commutes and our vehicles."

But the big immediate threat to outdoor programs is Johnson's bill/ amendment to eliminate TAP. The Rails-to-Trails Conservancy raised the alarm and urged its members to tell Congress that the program is needed.

"Trails, sidewalks, crosswalks and bike lanes aren't luxury items. They're essential to help people safely get where they need to go - in small towns and large cities alike," said conservancy director of government relations Patrick Wojahn.

He added, "Programs like TAP are in high demand. Today, 12 percent of all trips in the United States are made by biking or walking. These active-transportation modes continue to grow as options for more and more Americans, yet we only invest 1.5 percent of surface transportation funds in these programs."

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 now 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, to pay for it. However, Republicans have dug in their heels against a tax hike.

Among other things GROW AMERICA would keep TAP alive. It feeds park and recreation activities. That is, the administration recommended that Congress allocate \$847 million to TAP in fiscal year 2016, up \$27 million from a fiscal 2015 allocation of \$820 million.

The Democrats' bill would have the TAP allocation, which would receive two percent of highway account money from the Highway Trust Fund, increase marginally each year after that.

GROW AMERICA also recommends a \$277 million increase in spending on federal agency and Indian roads for fiscal year 2016, from \$1 billion in fiscal 2015 to \$1.277 billion in fiscal 2016. Much of that increase would be used for large, expensive projects.

By category the Indian and federal agency account would distribute \$507 million to tribal roads, \$370 million to federal lands (80 percent Interior Department, 15 percent Forest Service and five percent Corps of Engineers), \$250 million to a federal lands access program and \$150 million for nationally significant federal land tribal projects.

The last nationally significant project program is new.

Rep. Eleanor Holmes Norton (D-D.C.) introduced legislation (HR 2595) June 1 to set aside \$460 million per year for Park Service roads for fiscal years 2016 through 2021.

## **House approves sport fish bill; rec provision pulled**

A dispute that divided recreationists and environmentalists over recreational fishing of the red snapper was resolved inconclusively June 1 when a Congressman withdrew a controversial amendment.

Rep. Garret Graves (R-La.), with the support of recreational fishermen,

had proposed an amendment to the Magnuson-Stevens Fishery Conservation Act (HR 1335) to turn over to states management of recreational fishing of the red snapper in the Gulf of Mexico. The feds would still manage commercial fishing of the red snapper.

(The Magnuson-Stevens act governs both commercial and recreational fishing in the nation's oceans.)

By turning the red snapper management over to the five Gulf States, Graves's amendment would have largely exempted the fish from the purview of federally-sponsored fishing councils.

Graves saved some face June 4 when he persuaded the House to approve a provision in a separate Department of Commerce appropriations bill that would forbid the federal government from dividing the Gulf of Mexico into separate fishing sectors. He described the provision as a boon to recreational fishermen.

The fiscal year 2016 Commerce spending bill (HR 2578) would bar the National Oceanic and Atmospheric Administration from spending money to implement a Fishery Management Plan for Reef Fish Resources. The plan would divide the Gulf into commercial, charter-for-hire and private angler sectors, he said.

"For the first time in many, many years, this is a win for recreational fishermen. Our amendment will ensure that our recreational fishers have the opportunity to enjoy Red Snapper," said Graves. The House then approved the Commerce appropriations bill June 4.

As for the failed red snapper provision in the Magnuson-Stevens bill, Graves said it was designed to resolve inequitable treatment of commercial and recreational fishing in the Gulf. He said that the National Marine Fisheries Service has reduced access for recreational fishermen to ten days per year, while allowing charters-for-hire to fish for red snapper 45 days a year and commercial fishermen to fish year-round.

His amendment would have implemented a plan developed by Louisiana, Mississippi, Alabama, Texas and Florida to turn over to them management of the red snapper fishery. The five-state pact says, "Each state would be responsible for all management of red snapper in their respective state and adjacent waters. The (five-state management authority) would approve each state's management plan, coordinate population assessments, provide consistent accountability measures, and distribute funding for research, assessment, and management."

Supporting Graves were such recreation-oriented groups as the American Sportfishing Association, the International Game Fish Association and the Theodore Roosevelt Conservation Partnership.

On the other hand such politically contrasting House members as Reps. Don Young (R-Alaska) and Raúl M. Grijalva (D-Ariz.) urged Graves to withdraw the amendment. Young said he was concerned about taking a fish species out of the control of the Magnuson-Stevens Act.

Grijalva, who is an ally of environmentalists, said, "I understand that recreational fishermen in the Gulf of Mexico want to be able to keep more of the red snapper they catch, but the solution is not to steal fish from a responsibly managed and accountable commercial sector that provides millions of Americans the opportunity to choose healthy, fresh, sustainable Gulf red snapper at stores and restaurants; nor is it the solution to hand management over to Gulf States before they have developed a plan for managing the resource that consists of more than just 'trust us.'"

After Graves withdrew his amendment the House proceeded to approve the underlying bill June 1 by a vote of 225-to-152. The bill is controversial in its own right because it would significantly revise the Magnuson-Stevens Act.

The White House objected to new flexibility that the bill would grant fishing councils that it feared would

lead to overfishing, defeating the proposal of the original act 40 years ago.

The Office of Management and Budget (OMB) May 19 promised a veto for a couple of reasons. Most broadly it objected to a series of provisions that would allow management councils that set fishing limits to increase the take of particular species.

For instance the bill says, "A fishery management plan, plan amendment, or proposed regulations may use alternative rebuilding strategies, including harvest control rules and fishing mortality-rate targets to the extent they are in compliance with the requirements of this Act."

Said OMB in a statement promising a veto, "H.R. 1335 would interfere with the tremendous success achieved in rebuilding overfished fisheries by setting rebuilding targets that are not based on sound, credible science, and that unnecessarily extend the time to rebuild fisheries. In making these changes, H.R. 1335 introduces a series of ambiguous provisions that could improperly extend rebuilding periods, delaying the significant economic and environmental benefits of rebuilt fisheries to both fishermen and the Nation as a whole."

In the other, species-specific provision OMB faulted, the bill would extend states' jurisdictions over the red snapper nine miles into the Gulf of Mexico. That would have federally-sponsored councils managing commercial fishing and the states governing recreational fishing. The provision is separate from the Graves five-state provision and does not go as far in giving states suzerainty.

The provision says that for the fishery "the seaward boundary of a coastal State in the Gulf of Mexico is a line 9 miles seaward from the baseline from which the territorial sea of the United States is measured."

"This proposed extension of jurisdiction would create an untenable situation where recreational and commercial fishermen fishing side-by-

side would be subject to different regulatory regimes," said OMB. "Absent an agreement among the States as to how to allocate recreationally-caught red snapper, the bill would encourage interstate conflict and jeopardize the sustainability of this Gulf-wide resource."

In an unusual situation a coalition of commercial and recreational fishermen that supports the bill does not support the red snapper provision. The coalition told House Natural Resources Committee Chairman Rob Bishop (R-Utah), "There is a process in place under existing law to deal with the complex issues surrounding this fishery and HR 1335 builds on that process with several provisions that will provide data to inform that process."

The coalition of 20 businesses, 51 associations and 80 individuals from around the country went on, "Unfortunately, that is deemed insufficient by one radical sportsmen's group who insists on taking the fishery out of the jurisdiction of the Magnuson Stevens Act. If this amendment is adopted, it will force us to reconsider our support for the bill."

## **Opposition grows to massive Grand Canyon development**

Defenders of Grand Canyon National Park have sent a 122-page letter to the Forest Service in opposition to massive development near the park, they announced June 3

Led by the environmental law firm Earthjustice, four environmental groups told Kaibab National Forest it should reject an easement across federal land requested by the Stilo Development Group. The group wants to construct housing units and retail space one mile from the South Rim of Grand Canyon.

"The Forest Service can and should reject the application because it is not in the public interest," Earthjustice wrote on behalf of the National Parks Conservation Association, the Grand Canyon Trust, the Sierra Club and the Center for Biological

Diversity. "The purpose and effect of the easements is to facilitate Stilo's plans for a massive commercial and residential development on the doorstep of Grand Canyon National Park, one of the nation's and the planet's most recognized, iconic, awe-inspiring, and beloved landscapes."

As for the specifics the groups wrote the forest, "Stilo's massive development threatens the water, wildlife, visitors, and infrastructure of the Park, and for that reason alone should be rejected." The letter was addressed to Deirdre McLaughlin, head of the Williams Ranger District of the Kaibab National Forest.

The groups said that more than 200,000 people have written the Forest Service to complain about the proposal. Said Sandy Bahr, director of the Sierra Club Grand Canyon Chapter, "Building a massive sprawling development at the gateway to Grand Canyon threatens the very things that the park was established to protect - the waters, wildlife, dark skies, and opportunities to experience natural quiet. That is why thousands of people here in Arizona and across the country are asking the Forest Service to reject this proposal."

The Forest Service had asked for public comment through June 3 on a proposed special use permit. The applicant, Stilo Development Group, is seeking roadway and utility easements on land managed by the Kaibab National Forest in Arizona.

Stilo has been working on the project for the last two decades and has obtained the approval of the small community of Tusayan (population 580). The proposal calls for the construction of 2,200 homes and three million square feet of business space.

The developer has acquired private land within the Kaibab National Forest adjacent to the park for the development.

Said Stilo at its website of the environmentalist comments, "We expect thousands of people who have never set foot in Tusayan to tell the

Forest Service what's best for your town. Don't let your voice be silenced by these self-professed stakeholders who don't know what it's like to live in a town with limited housing and amenities."

The Park Service says the development could quadruple the town's demand for water, putting pressure on water now used to sustain the environment in the park. But the developer says it has obtained a supply of water from the rights held by a nearby rancher.

Separately, the Navajo Indian tribe has proposed a development east of the South Rim consisting of restaurants, hotels and shops on tribal land. The tribe has also proposed the construction of a Grand Canyon Escalade gondola down to the canyon floor. The proponents say that few tourists have the fitness or energy to trek to the canyon floor, and this would provide access to them.

At issue in the Navajo proposal is who owns the sides of the canyon. The tribe says it has historical rights to the land down to the high-water mark. But NPS says the federal government owns the land.

The Kaibab National Forest scoping packet is at: [www.fs.usda.gov/goto/TusayanEasement](http://www.fs.usda.gov/goto/TusayanEasement). Stilo provides background information on its proposal at <http://www.tusayansfuture.com/>.

## **Biscayne back with fishing ban to protect coral reefs**

The Park Service announced June 5 the completion of a management plan for Biscayne National Park that includes a no-fishing, reef protection zone long opposed by the State of Florida.

But NPS said that the Florida Fish and Wildlife Conservation Commission (FWC) now agrees to the protective zone, according to NPS.

A Fisheries Management Plan drawn up by NPS and the state in July 2014 opened the way for the designation of the no-fishing marine reserve. And

the park said the plan fits within the "framework of the memorandum of understanding."

So on June 5 NPS completed both the management plan and a supporting EIS that would set aside a 10,052-acre marine reserve zone to protect fragile reefs in the park's waters just off the city of Miami. At the same time the preferred alternative in the plan/EIS would allow multiple uses in 148,358 acres of the park's waters; that is 85 percent of them.

Said Superintendent Brian Carlstrom, "A marine reserve is one of the most effective ways for us to encourage restoration of the park's coral reef ecosystem and it received strong support from the public during development of the plan. In addition to producing larger fish and more fish for snorkelers and divers to enjoy, the marine reserve is expected to have a spillover effect, improving the fishing experience outside the zone."

The National Parks Conservation Association (NPCA) praised the park for designating the no-fishing reserve. "Although the marine reserve only covers a small portion of the park, it will have a big impact on the health of Biscayne," said Caroline McLaughlin, Biscayne program analyst for NPCA.

She added, "Marine reserves are one of the best, most effective ways to protect the park's ailing reefs and to help bring more fish back to Florida, increasing fish size, diversity, and abundance. This decision has been a long time coming and we are thrilled that after more than 15 years of advocating for protection for our coral reefs, this day has finally come."

NPS has been zigging and sagging for years about a possible marine reserve. On August 19, 2011, it first proposed a no-fishing marine reserve on a portion of the 144,522 acres of water in the park south of Miami and east of the Florida Keys. Water covers 83 percent of the park.

The FWC immediately objected that the proposal violated a memorandum

of understanding (MOU) it had with NPS on fishing in the park since 2002. FWC said at the time, "It is FWC's position, however, that the reduction or elimination of fishing activities currently proposed in the GMP/EIS violates the conditions of the MOU and should be coordinated with the FWC pursuant to the MOU and executed within the framework of the Fishery Management Plan as opposed to the General Management Plan."

The Florida agency continued, "FWC is willing to explore fisheries management issues within the context of the Fishery Management Plan development, however, per our discussions over the past ten years, we certainly cannot support a marine reserve that closes large areas for fishing within BNP until less restrictive fisheries management measures have been considered and tried."

So NPS backed off and in November 2013, instead of a marine reserve, proposed to establish a recreation zone with limited recreational fishing.

That in turn angered environmentalists such as NPCA, who insisted the reefs wouldn't revive without a marine reserve.

Now NPS is back with the marine reserve and both NPCA and FWC are apparently on board.

"Scientific data indicate that no-take zones are more effective at reducing mortality—especially for reef species—than other methodologies, including catch and release, slot limits, etc.," says the plan.

The 800-page plan/EIS are available at: [www.parkplanning.nps.gov/bisc\\_gmp](http://www.parkplanning.nps.gov/bisc_gmp).

## **House moving to prevent fires; Dems ask for emergency aid**

House Republicans began work last week on massive national forest fire prevention legislation (HR 2647, HR 2644) that, they say, would benefit recreation.

The House subcommittee on Federal Lands chaired by Rep. Tom McClintock (R-Calif.) took conflicting testimony on the draft bill June 3. Among other things the measure would categorically exclude from environmental review of projects to remove hazardous fuels of up to 15,000 acres.

McClintock said current national forest management policies – both as enunciated by Congress and the administration – are strangling the forests and keeping visitors out. He said those management policies fail to remove hazardous fuels in large part because fire prevention money must be used to fight massive wildfires.

"Despite a growing population, visitation to our national forests has declined significantly," he said. "We can no longer manage lands to prevent fire or even salvage dead timber once fire has destroyed it."

A week after the hearing Secretary of Agriculture Tom Vilsack and Secretary of Interior Sally Jewell on June 9 warned of a potential catastrophic fire season this year.

As for funding their departments said there is a 90 percent chance this summer's fire suppression costs for the Forest will range between \$810 million and \$1.62 billion for the Forest Service and between \$281 million and \$475 million for the Interior Department. They said the budget for fire fighting is about \$1 billion for the Forest Service and \$384 million for Interior.

So at the low end the agencies would anticipate a surplus of \$293 million in fire-fighting money for the year, but at the high end they would anticipate a shortage of \$711 million.

Reps. Ryan Zinke (R-Mont.) and Bruce Westerman (R-Ark.) introduced the legislation considered by the House subcommittee. Zinke emphasized the importance of clearing hazardous fuels from the forests to outdoors activities.

"In Montana our land is our way of life: its beauty and bounty provide us with world-class recreation, hunting,

fishing, natural resources and economic activity. However, too often outside forces and special interests get in the way of Montana conserving our land, developing our resources, and growing our communities," he said.

In addition to the categorical exclusions from environmental review the bills would require that at least 50 percent of burned areas be reforested, require completion of an environmental assessment within three months for reforestation projects, and would establish several hurdles for environmentalists who chose to challenge in court fuel reduction and forest restoration projects, such as demanding a bond.

Chairman McClintock said the bill would address twin problems facing the Forest Service - overgrown forests that are prone to wildfires and slow, inadequate responses to wildfires caused by environmentalist litigation.

He blamed 40 years of neglect in clearing out overgrown forests. "Surplus timber harvested from our national forests has dropped dramatically since the 1980's, while acreage destroyed by forest fire increased concurrently," said McClintock. "Wildlife habitats that were supposed to be preserved are now being incinerated. Precipitation that once flowed to riparian habitats now evaporates in overgrown canopies or is quickly claimed in the fierce competition of densely packed vegetation. We have lost vast tracts of national forests to beetle infestations as weakened trees can no longer resist their attacks."

Forest Service Chief Tom Tidwell was not buying. "While we appreciate some of the provisions in the draft bill, we have concerns with other provisions that are not based on science and local requirements, such as those that would require RACs to undertake one type of project over another; that would require post-fire Environmental Assessments to be accomplished in three months; and that would require reforestation on a fixed percent of the landscape," he said.

Ranking subcommittee minority member Niki Tsongas (R-Mass.) objected to the categorical exclusions in the bill, among other things. "Title I would categorically exclude or exempt a wide range of timber and restoration projects from environmental analysis and review, meaning thousands of acres of sensitive ecosystems would be much more vulnerable to degradation and damage," she said.

**Emergency wildfire funding:** Ranking minority member Tsongas focused on a perceived need to address emergency fire spending by taking it out of appropriations and transferring it to disaster funding.

"This bill does nothing to address funding challenges caused by fire borrowing," she said, "the practice of transferring funds away from forest restoration projects to be used in fighting wildfires instead . . . I hope this committee can work together to pass HR 167, The Wildfire Disaster Funding Act. This bipartisan initiative will insure wildfire funds can be used for its intended purpose - to insure good stewardship of our national forests for the benefit of all Americans."

Although McClintock did not directly address large-scale fire borrowing in his bill, he said the committee would address the problem. "(T)he steadily deteriorating situation is forcing managers to raid forest treatment and fire prevention funds to pay for the growing costs for wildfire suppression, creating a death spiral - the more we raid prevention funds the more wildfires we have; the more wildfires we have, the more we raid prevention funds," he said. "This negative feedback loop must be stopped and we will give high priority to a lasting solution in the days ahead."

Sen. Ron Wyden (D-Ore.), Sen. John McCain (R-Ariz.) and Rep. Mike Simpson (R-Idaho) have introduced legislation (S 235, S 508, HR 167) that would shift the cost of fighting the one percent of the worst emergency fires to disaster funding and out of appropriations.

McClintock represents a central

California Congressional district that includes five national forests, including the Stanislaus National Forest that was hit by the devastating Rim Fire two years ago. He also represents Yosemite National Park.

After the August 2013 Rim Fire burned more than 257,000 acres in the Stanislaus and Yosemite, McClintock introduced legislation to authorize timber salvage sales based on a draft EIS, rather than waiting for a final EIS. Although the House approved the bill the Senate did not. Eventually the forest completed a salvage EIS and plan.

McClintock replaced as subcommittee chairman Rep. Rob Bishop (R-Utah), who moved up the chain of command to chairman of the full House Natural Resources Committee.

## Notes

**GOP wants, gets permanent DoI IG.** From the be-careful-what-you-wish-for department. Unhappy with Acting Interior Department Inspector General (IG) Mary Kendall, House Republican leaders June 1 asked President Obama to nominate a permanent IG for the department. The White House complied June 4 with a permanent nomination – the selfsame Mary Kendall. House Natural Resources Committee Republicans have frequently called Kendall on the carpet to complain that her reports were not critical enough of the Obama administration. The committee has held hearings with Kendall on Office of Surface Mining buffer zone rules, ethics violations by department leaders, a Gulf of Mexico oil and gas drilling moratorium, and other issues. The Republicans, led by natural resources committee chairman Rob Bishop (R-Utah) and House Majority Leader Kevin McCarthy (R-Calif.), wrote Obama, “The Department’s last permanent inspector general left on February 23, 2009 – more than six years ago. Since then, the office has been managed by an acting inspector general whose tenure has been the subject of recent, significant congressional oversight and controversy.” The department has not had a permanent IG since Feb. 23, 2009.

Not everyone was critical of Kendall. Said ranking committee Democrat Raúl M. Grijalva (D-Ariz.), “Mary Kendall has served with distinction as acting inspector general even as Republicans have obstructed and criticized her office, and she deserves a swift confirmation untainted by partisan politics.”

**Yellowstone looks at winter uses.** Yellowstone National Park is reviewing its hotly debated winter use regulations that allow up to 110 “transportation events” over the snow in the winter. The new program began this past winter and authorized up to 50 groups of guided snowmobiles daily to enter the park with up to seven vehicles in a group and up to 60 snowcoaches. Those authorizations constituted transportation events. The park has prepared a draft adaptive management plan that attempts to summarize the science regarding impacts of oversnow vehicles on wildlife, air quality, noise, etc. In addition to limits on powered oversnow vehicles the winter use rule that the park published on Oct. 24, 2013, requires both snowmobiles and snowcoaches to pass tougher noise emission standards eventually. In the winter before the rule went into effect (2013-2014) Yellowstone allowed up to 318 snowmobiles per day and up to 78 snowcoaches per day. To review the draft alternative management plan and to submit comments (deadline August 21) go to: <http://parkplanning.nps.gov/document.cfm?parkID=111&projectID=58858&documentID=66348>.

**Great Outdoors Month booming.** The Great Outdoors Month Partnership overseen by the recreation establishment is becoming big business. Some 15 governors are conducting campouts this month, with as many as 8,000 people showing up for an event in Missouri with Gov. Jay Nixon (D-Mo.) officiating. Although federal agency attempts to persuade young people to get outdoors are hampered by budget cuts, nonfederal entities are finding ways to do the job. “It gives me hope because it has never been clearer that we are finding alternative ways at the grassroots to find people and get them outdoors,”

said Derrick Crandall, president of the American Recreation Coalition and a leader of the Great Outdoors Month program.

**FS: Get Outdoors tomorrow.** Forest Service Chief Tom Tidwell last week posted an invitation to families all over the country to visit the national forests tomorrow, June 13, the National Get Outdoors Day. Tidwell said many service locations will provide free activities for youths. Said Tidwell, "Get Outdoors Day provides an exceptional opportunity to introduce kids and their families to the helpful benefits and unique experiences nature offers. It also encourages all citizens to connect to and appreciate the special settings, natural treasures and amenities of our national forests and grasslands."

**American Discovery Trail back.**

A proposal for a Congressionally-designated, coast-to-coast American Trail, first aired in 1989, took a modest step forward June 4 when Rep. Jeff Fortenberry (R-Neb.) introduced legislation (HR 2661) to formally designate the trail. Last year Sens. Chris Coons (D-Del.) and Mark Kirk (R-Ill.) introduced a counterpart bill. However, the Senate three times has approved predecessor bills to formally designate the American Discovery Trail, only to die in the House. Despite Congressional inaction, the 6,800-mile American Discovery Trail is already sort of in place because of the support of the American Discovery Trail Society, the American Hiking Society, corporations, land management agencies and local and regional trail organizations. The bill would (1) establish a national system of discovery trails under the National Trails Act and (2) designate the American Discovery Trail the first unit of the discovery trails. The yet-to-be-formally-designated American Discovery Trail extends from Cape Henlopen State Park in Delaware to Point Reyes National Seashore in California.

**Ten rec trails designated.**

Using their authority to designate national recreation trails in response

to applications from trail managers, Secretary of Interior Sally Jewell and NPS Director Jonathan B. Jarvis June 4 jointly designated 10 local and state trails into the system. The 10 add 150 miles of trails to a 16,000-mile National Trails System. NPS and the Forest Service jointly manage the program, along with non-profit partners such as American Trails. The newly-designated trails are located in eight states. The longest is a 69-mile Ohio River Water Trail with 21 access points and 32 riverfront communities. More on the program at this website hosted by American Trails: <http://www.americantrails.org/nationalrecreationtrails/stateindex.html>.

**ORVers celebrate Colorado win.**

To the plaudits of off-road vehicle users, a federal appeals court last month effectively threw out a lawsuit that objected to motorized access on a group of trails in the Rico West Dolores area of the San Juan Forest in Colorado. The circuit court said the appellants, Backcountry Hunters and Anglers, don't have standing because a court decision to repeal an existing forest rule allowing limited ORV access would invoke an older rule that would allow even more ORV access. In that event the appellants would not be able to show damage from the current forest rule and thereby gain standing. This case involves a previous successful lawsuit brought by Backcountry that objected to the Forest Service adopting a plan without first preparing environmental documentation. After the courts ruled in Backcountry's favor in 2009 the service posted a temporary order allowing only motorcycles - and no other powered vehicles - on the trails. That prompted Backcountry to file suit objecting to the motorcycles. But, said the appeals court, if Backcountry won, the decision would automatically invoke a 1992/1999 order that would allow several kinds of powered vehicles on the trails, so Backcountry couldn't show harm from the 2010 temporary Forest Service order. The decision is available at: [http://www.sharetrails.org/uploads/Doc-01019436229-Order\\_and\\_Judgment\\_05.27.15-1.pdf](http://www.sharetrails.org/uploads/Doc-01019436229-Order_and_Judgment_05.27.15-1.pdf).

## Boxscore of legislation

### Appropriations Fiscal 2016 Interior

No bill yet. House subcommittee approved June 10. Bill recommends substantial limits on rec and agency spending, except for NPS Centennial.

### 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 committee approved June 9. 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.

### Full-year appropriations Fiscal 2015

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

### 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. Young, Murkowski, Labrador and Crapo would require Congressional approval of any national monument.

### 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

HR 680 (Blumenauer), HR 2410 (DeFazio), HR 2595 (Norton), HR 2609 (Sam Johnson). Blumenauer introduced February 3. Norton introduced June 1. Johnson introduced June 2. 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.