

Federal Parks & Recreation

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Final fiscal 2013 money bill finally crosses finish line

The House and Senate March 21 completed a fiscal year 2013 appropriations bill (HR 933) that would lop \$85 billion off the top of fiscal 2012 appropriations.

Final approval came when the House accepted a Senate-passed version of HR 933. The Senate version, approved March 20, included less money for Park Service operations than the House originally recommended.

That's a \$2.214 billion appropriation in the Senate bill compared to a \$2.229 billion appropriation in the House bill, again before sequestration.

Sen. Tom Coburn (R-Okla.) introduced March 20 an amendment that the Senate rejected that would have slashed \$8.1 million from NPS's heritage partnership program and shifted \$6 million to operations. The amendment would also have removed an extension of 12 individual national heritage areas. The amendment was defeated on a 45-to-55 vote. (See related article on heritage areas on page 10.)

The National Parks Conservation Association welcomed Coburn's proposed hike in operations money but at the same time decried the proposed reduction in National Heritage Area spending. Said Craig Obey, senior vice president of government affairs for NPCA, "While NPCA supports the restoration of critically needed operating funds for America's parks, we believe the better alternative is the House-passed CR, which, unlike these amendments, does not offset operations increases with reductions in of Park Service accounts. The Senate bill makes an already bad situation even worse."

Western House Republicans attacked the Senate not only for the NPS spending reduction but also for proposing less wildfire money than the House.

At the same time the House Republicans objected to a Senate version of a fiscal 2014 Congressional budget that endorses full funding for the Land and Water Conservation Fund. (See *separate article on the fiscal 2014 Congressional budget on page 9.*)

Said Rep Cynthia Lummis (R-Wyo.), "The Senate CR is an insult to the West. After full-throated complaints about Park Service cuts in the sequester, and front page write-ups in the *Washington Post* about delayed openings at Yellowstone, Senate Democrats now propose to cut Park Service funding by another \$22 million dollars."

Lummis also attacked federal land acquisitions, presumably in the fiscal 2014 Senate Congressional budget. She said that Senate Democrats "make these cuts not because they've seen the light on dealing with our debt, but to protect funding for acquiring new lands for the federal government without any requirement to dispose of land first. In what world do Senate Democrats live where growing the federal estate is more important than protecting the West from fires, or effectively managing the land we already have?"

The fiscal 2014 Senate Congressional budget recommends full funding for the Land and Water Conservation Fund (LWCF) of \$900 million per year.

Despite all those complaints the House accepted the Senate bill March 21 because the bottom line spending was acceptable.

In the fiscal 2013 appropriations bill, and this is separate from the fiscal 2014 budget recommendation, the Senate included \$322 million for LWCF, said Sen. John Reed (D-R.I.), chairman of the Senate Appropriations subcommittee on Interior and Related Agencies. That is the same as fiscal 2012, but will be reduced by sequestration when HR 933 is enacted.

MAP-21 disagreement: The Senate bill includes \$117 million more for surface transportation than the House. That's because the House bill would apply across-the-board reductions to it from the new sequestration law.

But Senate Environment and Public Works Committee Chair Barbara Boxer (D-Calif.) argued that surface transportation should be exempted from sequestration because most of its money is not appropriated. It is paid for in large part by gasoline taxes paid into a Highway Trust Fund.

The situation in brief: So here's where we stand: President Obama signed a first-half fiscal year 2013 appropriations law (PL 112-175) on Sept. 28, 2012, that keeps the government in money through March 27. The funding levels approximated fiscal 2012 appropriations.

Then a budget sequestration law (PL 112-25 of Aug. 2, 2011) cut in and mandated \$85 billion in budget reductions in fiscal 2013. OMB translated that into nine percent cuts for the rest of fiscal 2013, or five percent overall for the entire fiscal year.

Now Congress has written a final appropriations bill to accommodate both first-half of fiscal 2013 spending and the sequestration for the full fiscal year.

Separately, Congress is beginning to turn its attention to fiscal year 2014, which begins October 1. The House and Senate this week both approved radically different fiscal 2014 Congressional budgets that will guide spending. However, the budgets also set broad ceilings; they don't decide how much money each appropriations bill receives.

Sequestration impacts: Although Congressional Republicans have asserted that the Obama administration overestimates the impact of sequestration, federal agencies continue to itemize broad and deep damage. The \$85 billion across-the-board sequestration began March 1.

The net result of the new

appropriations actions then, is to extend the sequestration throughout the fiscal year, which ends September 30. That means furloughs are increasingly likely for federal land management agency employees.

OMB said that because of the sequestration the Park Service will have \$218 million less to spend in fiscal 2013 than in fiscal 2012. The Land and Water Conservation Fund alone will be reduced by \$26 million. Although OMB made that projection before the House and Senate approved a fiscal 2013 spending bill, the House and Senate actions essentially confirmed those cuts.

The Forest Service will be hit even harder than NPS with cuts of \$129 million for the National Forest System and \$34 million for Capital Improvements.

Congressional Republicans charge that the Obama administration and its agency heads are exaggerating. For instance, Sen. Coburn has repeatedly contended that agencies can either (1) cut the fat or (2) shuffle money around to accommodate the sequestration.

Coburn did not mention specifically outdoor programs, but he has posted copious documents at his website detailing what he says is excessive federal spending, <http://www.coburn.senate.gov/public/>.

The Department of Agriculture described these impacts of the sequestration to the Forest Service in a letter to the Senate Appropriations Committee last month, "The agency would close up to 670 public developed recreation sites out of 19,000 sites, such as campgrounds, picnic areas, and trailheads. Closing this many recreation sites would reduce an estimated 1.6 million recreation visits across the country, thereby harming the economies of remote rural communities that depend on recreationists' economic activity, and eliminating convenient vacation opportunities for rural residents."

The Department of Interior told the committee in its own letter,

"The public should be prepared for reduced hours and services provided by Interior's 398 national parks, 561 refuges, and over 258 public land units." The department said the agencies would have to close 128 wildlife refuges, cut back on seasonal employees and "Reduce hours of operation for visitor centers, shorten seasons, and possibly close camping, hiking, and other recreational areas when there is insufficient staff to ensure the protection of visitors, employees, and resources."

According to Sen. Dianne Feinstein (D-Calif.), the Corps of Engineers must also reduce services substantially. "With sequestration, the Corps would likely have to close 57 recreation areas and partially close 186 recreation sites," she said on the Senate floor February 27. "There would also be no funding for 52 ongoing studies that were funded in FY 2012, 65 construction projects that were funded in FY 2012, and 43 dredging projects that were funded in FY 2012."

Outdoors VIPs call for dedicated money for the parks

When the elite of the park and rec establishment gathered March 19 to discuss strategies for raising money for the National Park System, two sources of money appeared to gather the most support - oil and gas royalties allocated to a new NPS fund and a penny per gallon gasoline tax.

With no disrespect to the dozen other suggestions that the 150 participants discussed at the gathering in Washington, D.C., energy royalties drew the attention of such key players as former Rep. Norman Dicks (D-Wash.) and Sen. Mark Udall (D-Ariz.)

A portion of the \$6.8 billion per year in offshore royalties now supports the Land and Water Conservation Fund, but a portion is also remanded to the U.S. Treasury. A white paper prepared for the conference would apportion some of the Treasury money to a Park Service fund, matched by private contributions.

Dicks, one-time chairman of the House Appropriations Committee, set the stage at the meeting hosted by park advocacy groups and the Bipartisan Policy Center. "We still have a huge amount of money from our oil and gas activities offshore and onshore, about \$12 billion and about \$6 billion of which is unassigned," he said. "Even the money that goes into the Land and Water Conservation Fund - the \$900 million - is not always appropriated. The money goes into the Treasury and we never get it back."

Then he got to the meat of the matter. "I understand that Sen. Udall and (Sen.) Rob Portman (R-Ohio) are working on a bill that would generate about \$333 million per year (for NPS). For me because of the bipartisan support, that looks like the A number one thing we ought to be focusing on." Udall chairs the Senate subcommittee on National Parks and Portman is ranking Republican.

Dicks asked Udall if there was an opportunity for Congress to lock in Land and Water Conservation Fund (LWCF) money. Udall said if the opportunity arose it would come in the negotiation of a mega-budget agreement between the House and Senate later this year.

"Norm, you are spot on," said Udall. "The LWCF money needs to be fully allocated. I'm still hopeful in a big grand bargain dedicated funds ought to be respected and they ought to be made off limits and directed into the programs they were designed for."

The Park Legacy Partnership Fund would combine a portion of the \$12 billion the government collects each year in offshore and onshore oil and gas royalties with private, philanthropic donations into a Park Legacy Partnership Fund of \$350 million per year.

National Parks Conservation Association Senior Vice President Craig Obey, a coauthor of the white paper, told us, "Hopefully, this has some legs. There is interest on and off the Hill. People like Rob Portman are interested in this kind of public/private partnership."

Obey added, "Essentially, the idea is the money would go into a trust fund and be matched by private money."

While he was at it Dicks said Congress should also lock in user and entrance fees for federal land management agencies and insure that those revenues continue to be used by the collecting agencies, as they are now. "In 2014 the (entrance and user) fees expire and that has got to be extended," Dicks said. "That's about \$330 million too. In this situation, that is real money that needs to be protected."

Another VIP meeting attendee, former House Transportation Committee Chairman James Oberstar (D-Minn.), put in a plug for setting aside one penny from the tax on each gallon of gasoline for national parks and federal lands roads. That would amount to \$1.5 billion per year. Like Dicks, Oberstar asked Udall if there is any movement in Congress to do that.

Udall replied, "In the Senate there is. In the Senate we realize infrastructure is crucial. . . Again in a grand bargain I'd like to see us index the user fee for gasoline to make up for lost ground over the last 20 years. . . Young (Rep.) Bill Shuster (R-Pa.) heads the (House Transportation) Committee now and he gets it that this is a part of our economic future."

The conference was hosted both by the Bipartisan Policy Center and by the National Parks Conservation Association (NPCA), the National Park Hospitality Association (NPHA) and the National Park Foundation (NPF).

Former Secretary of Agriculture Dan Glickman and senior fellow for the center served as host and described the funding situation as the National Park System approaches its 100th anniversary in 2016. "The appropriations for the national parks have declined by 15 percent in the last decade and that is in today's dollars," he said. "And the estimated backlog of park maintenance restoration has reached the area of about \$12 billion. Clearly, more creative approaches are needed to

supplement limited federal dollars to help the Park Service make needed investments on the eve of the Centennial celebration. This problem would exist even without the sequestration."

For the dialogue, NPCA, NPHA and NPF commissioned 15 white papers on methods of raising money for the parks outside of federal appropriations. Those ideas are available in one document titled *Sustainable Supplementary Funding for American's National Parks*. The papers are at <http://parkpartners.org/fundingparks.html>.

NPS Director Jon Jarvis attended the meeting and said in summary remarks that he was "open to all these ideas." But he said the assembled needed help from the really big hitters.

"What is not aligned and I'll be very forthright about it," he said, "is Congress and the White House. Those are the two pieces we need yet to align for the Centennial. And we're going to need your help to accomplish that. If all of this lines up, it's going to be one powerful Centennial in 2016 and really will prepare us for the next century."

Other VIP attendees included former Secretary of the Interior Dirk Kempthorne, former EPA Administrator and New Jersey Gov. Christine Todd Whitman (R), and former deputy secretary of Interior Lynn Scarlett from the George W. Bush administration.

Here are some of the bigger numbers suggested by the white papers: one penny gasoline tax, \$1.5 billion per year; an endowment from private and other nonfederal sources, \$1 billion per year; extension of an entrance and user fee law, which now collects \$337 million per year or 10 percent of the NPS budget; a park legacy partnership fund from oil and gas royalties and other sources of money, \$350 million per year; and concessioner fees that are now \$100 million per year but could be increased by 50 percent within three years.

In a related matter the Park Service and the National Park Foundation in January chose the public relations

firm Grey New York to spread the word of the Park Service brand.

Grey New York will begin with more than \$1 million donated to the National Park Foundation by John Nau III, CEO of Silver Eagle Distributors, L.P. of Houston, Texas. Nau is reportedly close to family of former Presidents George H.W. Bush and George W. Bush.

Grey New York will be overseen by a subcommittee of the National Parks System Advisory Board chaired by Gretchen Long of Wilson, Wyo. She is a former past chair of NPCA.

Republicans complain but Senate panel backs Jewell

Despite criticism from Senate Republicans the Senate Energy Committee March 21 approved the nomination of Sally Jewell as secretary of Interior by a comfortable 19-to-3 vote.

However, Jewell may face a higher hurdle on the Senate floor where Senate rules give the Republican minority numerous weapons to delay or defeat Cabinet nominations.

Said Sen. James Risch (R-Idaho), who voted for Jewell in committee, "I reserve the right to vote no on her nomination and, more important, I reserve the right to place a hold when the nomination reaches the Senate floor." That will probably be the week of April 8.

Committee chairman Ron Wyden (D-Ore.) praised Jewell. "I have full confidence in Sally Jewell's ability to take on this important assignment and I strongly urge very senator to support me to vote for Sally Jewell's nomination," he said.

The path to the committee vote was cleared when ranking committee Republican Lisa Murkowski (R-Alaska) resolved for now her disagreement with the Interior Department over a 10-mile long road through the Izembek National Wildlife Refuge to provide a route to an airport for the citizens of Cold Bay in an emergency. She said Secretary

of Interior Ken Salazar has agreed to revisit an EIS that opposes the road.

But Sen. John Barrasso (R-Wyo.) renewed at the March 21 committee meeting his criticism of the nomination of REI CEO Jewell. He voted no on the nomination. He expressed anew strong reservations about the nominee for her past work on behalf of the National Parks Conservation Association (NPCA) environmental group.

"I am troubled by her lack of transparency in regard to her past leadership of the National Parks Conservation Association," he said. "During her tenure as vice chair of that group NPCA frequently sued the federal government to shut down energy production and sought aggressive regulations that threaten American jobs." He cited hydraulic fracturing regulations now being prepared by the Bureau of Land Management.

Barrasso continued, "I've asked her if she disagrees with any of NPCA's positions. She testified that as vice chair she was unaware of the organization's positions. That concerns me." Barrasso didn't say if he would place a hold on the nomination on the Senate floor.

Sen. David Vitter (R-La.), who does not sit on the committee, has also complained about Jewell's role in NPCA litigation in general. He focused on NPCA's opposition to an oyster farm in Point Reyes National Seashore in California. The Interior Department in November decided not to renew the oyster farm's permit. That decision is now being litigated.

In a March 18 letter to Jewell Vitter said, "I am concerned that (NPCA's) campaign sought to create a false impression of the Company's activities and is the type of environmental extremism that distorts science in an attempt to achieve a specific outcome. Please provide me with background on your efforts with NPCA to shut down the Drakes Bay Oyster Company." He then asked Jewell to recuse herself from any further decisions affecting the company.

Wyden starts moving lands bills, sets ambitious plan

True to his word Senate Energy Committee Chairman Ron Wyden (R-Ore.) began moving a backlog of lands bills through his committee March 14, perhaps setting the stage for an omnibus measure or measures later this year.

The 19 committee-passed bills are, for the most part, site-specific, as opposed to national policy bills.

The list includes a bill (S 347) to incorporate a number of historic sites in Delaware into the first national park in the first state to join the union.

A second bill (S 311) would direct a study of the lower Mississippi River area in Louisiana as a possible Park Service unit. And a third bill (S 241) would designate a 235,980-acre Rio Grande del Norte National Conservation Area in New Mexico from Bureau of Land Management lands.

Wyden said at the March 14 mark-up that with the cooperation of ranking committee Republican Sen. Lisa Murkowski (Alaska) he would attempt to move more than 100 lands bills left over from the last Congress. "It is my intention for every one of the bills colleagues have discussed with me to be considered in this Congress," he said.

Wyden laid out this procedure for considering the bills and then, possibly, assembling them into one or more omnibus measures: "Starting next month the committee will begin processing a backlog of lands bills from the last Congress by holding subcommittee hearings on roughly 20 bills at a time. The National Parks and Public Lands and Forests subcommittees will hold hearings on those bills within their jurisdictions to move the bills more quickly. After the bills have had hearings the bills will be marked up by the committee."

At that time the individual bills will be grouped. "Once the bills are reported I intend to work closely with

Sen. Murkowski to assemble the bills in packages for consideration on the floor," he said. "Sen. Murkowski and I have agreed to insure that every member - every Republican every Democrat - knows their bills are going to get a fair shot."

In the last Congress of course more than a hundred lands bills were bottled up in the Senate, despite the efforts of former energy committee chairman Jeff Bingaman (D-N.M.) and Senate Majority Leader Harry Reid (D-Nev.) to break them free in an omnibus measure.

Blocking the way, as always, was the Senate "hold" procedure that allows any one senator to stall legislation for weeks with a single objection. Traditionally, Senate leaders have piled lands bills into one omnibus containing 100 or more individual measures sponsored by members from both parties.

Last year Bingaman and Reid couldn't find the time and support to move an omnibus. How Wyden overcomes the hold obstacle is not clear, perhaps as he said by starting early with a jumbo bill or jumbo bills now.

To be successful an omnibus bill usually requires a lead measure of some import that enjoys broad support from both political parties. These are some of the logical candidates:

CABIN FEES: This measure (HR 1159) introduced by House Natural Resources Committee Chairman Doc Hastings (R-Wash.) March 14 would establish a new system of fees for the 14,000 owners of cabin inholdings within the National Forest System. The House passed a predecessor bill in the last Congress with support from both sides of the aisle. *(See related article page 12.)*

MANHATTAN PROJECT: This measure (S 507) introduced on March 7 by Sen. Maria Cantwell (D-Wash.) and four other senators would establish a significant Manhattan Project unit in the National Park System. Although the House blocked a predecessor bill in the last Congress, it did draw a majority vote (237-to-180). *(See related article page 11.)*

LAND SALES: Not introduced yet as a stand-alone bill but both the House and Senate Budget Committees have included it in their fiscal year 2014 Congressional budgets as a recommended priority for Congress. It would reauthorize the Federal Land Transaction Facilitation Act, which authorizes sale of excess public land with revenues used to acquire conservation lands.

Statue of Liberty to reopen July 4; no date for Ellis

Statue of Liberty National Park will begin accepting visitors again on July 4, Secretary of Interior Ken Salazar said March 19, but the date for reopening Ellis Island is fuzzier.

At a press event with Sen. Charles E. Schumer (D-N.Y.) Salazar said, "Based on the tremendous progress we have made, Lady Liberty will be open to the public in time for the July 4th celebration."

Salazar and Schumer did not provide a date for the reopening of Ellis Island. Like the Statue of Liberty Ellis Island is located in New York Harbor and like the Statue of Liberty was closed by Hurricane Sandy last fall.

At the press conference it was left to NPS Northeastern Regional Director Dennis R. Reidenbach to give the uncertain news on Ellis Island. "Ellis Island suffered extensive damage particularly to utility systems. The water levels on Ellis Island were quite high. At this point in time we are still working on a plan for when Ellis Island would be able to open to the public," he said.

"As far as the museum facilities we had to move over a million artifacts off the island because they were suffering deterioration from the water systems there," he continued. "So at this point in time we don't have a date with Ellis Island when we will be able to open it up again. I just want to say that all of our attention at this point has been, like, all hands on deck to get the Statue open at the earliest possible date."

Schumer was pleased just to get the Statue of Liberty back in business. "The Statue of Liberty is an economic engine for the whole of New York City," he said. "When the Statue of Liberty was closed New York's economy was hurt because we benefit so from tourism. Since Sandy hundreds of thousands of tourists, school kids, history buffs and New Yorkers of all stripes have been deprived of the opportunity to visit one of the nation's most important monuments. The statue attracts almost 4 million tourists to New York each year."

He added, "Today we finally know with 100 percent certainty that tourists will once again be able to visit the statue by the Fourth of July. . . That also means hundreds of employees will know with 100 percent certainty not if but when they will be able to return to work."

The Park Service has been under tremendous pressure from New York and New Jersey politicians, the public and concessioners to reopen the park. The Park Service had been mum about an opening date, as rumors circulated that the opening would be delayed until fall.

The Statue of Liberty and Ellis Island are closed of course because of damage from Hurricane Sandy. The Park Service said Sandy did not damage the Statue of Liberty itself when it reached New York Harbor on Oct. 29, 2012. But the 12-acre island's utilities, generator and power systems were wiped out.

Ellis Island was also whacked by the storm but the records in the historical museum were not damaged. The park had to move the documents to the NPS Museum Resources Center in Landover, Md., because it was not able to maintain the proper storage climate on the island.

The Park Service said the delays in reopening the Statue of Liberty were caused strictly by the amount of damage imposed by Sandy, and not by unrelated infrastructure projects, as has been alleged.

According to New York City

newspapers the delay was also caused by a disagreement over security between the feds and the NYPD. The feds want to perform security on ferries; the feds want to do it before visitors board ferries. That has not been resolved, say the papers.

Salazar and Schumer said the restoration of the Statue of Liberty and Ellis Island will cost as much as \$59 million. Reidenbach said the Park Service expected to come in under the \$59 million.

In an emergency appropriations bill for Hurricane Sandy (PL 113-2 of January 29) Congress put up \$348 million just for Park Service repairs in the Mid-Atlantic States. The law contains another \$360 million for the Interior Department to allocate among all agencies.

Here's what the law does provide:

Capital improvements DoI and FS:

The Park Service will receive \$348 million. In its request for the money the Obama administration singled out for assistance Liberty Island, Ellis Island, Gateway NRA, and Fire Island units, but it also said national parks in Florida, North Carolina and Washington, D.C., should receive help.

The Fish and Wildlife Service will receive \$78 million primarily to repair damage in the E.B. Forsythe National Wildlife Refuge (New Jersey), the Long Island National Wildlife Refuge Complex (New York) and Prime Hook National Wildlife Refuge (Delaware).

The Forest Service will receive \$4.4 million to address damage to property, roads and trails at the Grey Towers National Historic Site and in the White Mountain and Monongahela National Forests.

Interior Department prevention:

The law appropriates \$360 million of flexible money to the Interior Department "to restore and rebuild national parks, national wildlife refuges, and other Federal public assets; increase the resiliency and capacity of coastal habitat and infrastructure to withstand

storms and reduce the amount of damage caused by such storms."

Historic Preservation: The law appropriates \$50 million for grants to states "to fund rehabilitation and restoration of historic properties." No local match will be needed.

Corps construction/maintenance: The law allocates \$4.281 billion to the Corps of Engineers for Construction (\$3.46 billion) and Operations and Maintenance (\$821 million).

Senate budget promotes park and rec; House not so much

It has no teeth; still the Senate at press time had before it a fiscal year 2014 Congressional budget (S Con Res 8) that presses all the outdoor buttons.

Senate Democratic leaders were trying to complete debate and pass the budget today (March 22), but they may need to work tomorrow.

S Con Res 8 recommends funding the Land and Water Conservation Fund at the maximum of \$900 million per year, keeping the national parks open, guaranteeing recreation access to the public lands, and including facilities for bicyclists and pedestrians in highway projects.

The House approved its own Congressional budget (H Con Res 25) March 21 that is not as enthusiastic about the outdoors. Its single reference to an outdoor program calls for a reallocation of revenues from federal land sales under the Federal Land Transaction Facilitation Act (FLTFA).

FLTFA authorizes the sale of excess Bureau of Land Management and Forest Service lands and uses the proceeds to acquire conservation lands. The House budget recommends 70 percent of the revenues be used for deficit reduction, instead of land acquisition, as was the case under the old law.

For park and recreation purposes the most important function of the

Congressional budget is to set an overall domestic spending cap that appropriations committees then use to assign spending ceilings for individual appropriations bills.

But while the House and Senate Budget Committees are at it, they throw in dozens of pages of advice for operating committees, which the operating committees are free to ignore.

Still, the budgets do give the nation an idea what Congress's priorities are vis-à-vis the administration's recommended budget request. This year the Obama administration has yet to produce a fiscal 2014 budget request because it is tied up with completing fiscal 2013 appropriations legislation. (See *separate article page one.*)

The Obama administration now says it will submit a fiscal 2014 budget request the week of April 8.

In addition to the overall domestic cap the House and Senate budgets suggest spending for natural resource programs. The natural resources line item includes not only the Interior Department and the Forest Service but also EPA.

Once again the House and Senate are worlds apart on natural resource spending, with the Senate recommending almost \$5 billion more next year than the House. The Senate resolution, drafted by Senate Budget Committee Chair Patty Murray (D-Wash.), would allocate \$42.9 billion in fiscal 2014 compared to \$38.1 billion in the House budget, written by House Budget Committee Chairman Paul Ryan (W-Wis.)

Not surprisingly conservationists praised the Senate budget and denigrated the House budget. Said Alan Rowsome, director of conservation funding at The Wilderness Society, of the Murray plan, "Her budget also makes clear that protected lands offer a multitude of benefits to communities. Fully funding the Land and Water Conservation Fund - which draws dollars not from taxpayers, but from offshore drilling royalties - is a commitment to a successful

and bipartisan program that protects our natural treasures, returning an investment to all Americans. Rep. Ryan's budget plan will all but eliminate funding for the program."

But Rep. Cynthia Lummis (R-Wyo.) reached across Capitol Hill to criticize the Senate's enthusiasm for the Land and Water Conservation Fund (LWCF). She said the Senate was cutting back on NPS operations spending "not because they've seen the light on dealing with our debt, but to protect funding for acquiring new lands for the federal government without any requirement to dispose of land first. In what world do Senate Democrats live where growing the federal estate is more important than protecting the West from fires, or effectively managing the land we already have?"

Here's what the Senate budget says it would do for outdoor programs:

LWCF: "Fully funds the Land and Water Conservation Fund and enables the reauthorization of conservation measures like the Federal Land Transaction Facilitation Act;"

National parks open: "Keeps the gates open at all of our national parks so that our families can continue enjoying our national treasure;"

Recreation: "This budget understands the importance of access to public lands for all recreation users, from bikers to birders to hunters and anglers. An estimated 90 million Americans, or more than a quarter of the U.S. population, participated in wildlife-related recreation in 2011;"

Transportation-related recreation: "More than ever, state and local governments are planning road projects that make room for bicyclists and pedestrians, bridge projects that include transit as well as cars and trucks, and regional plans that require multiple jurisdictions to work together. While we continue investing in our roads and bridges, we need to make sure that federal programs remain compatible with each other to accommodate the innovation happening at the State and local level."

National Heritage Areas survive attack by Coburn

In a classic case of robbing Peter to pay Paul Sen. Tom Coburn (R-Okla.) proposed this week legislation to sacrifice national heritage areas to pay for National Park Service operations.

But the Senate rejected by a 45-to-55 vote Coburn's amendment to a fiscal year 2013 appropriations bill (HR 933).

Coburn would have provided NPS operations with an extra \$6 million in the last half of fiscal year 2013. The money would have come from cutting a national heritage areas allocation in half, reducing it from \$16.2 million to \$8.1 million.

Coburn heaped scorn on the heritage area program run by the Park Service. "It would be unconscionable for the federal government to prioritize wine trains, Elvis cruises and Ukrainian Easter Egg workshops promoted by heritage areas ahead of restoring and protecting public access to places like the White House, the Flight 93 Memorial, the Washington Monument, Yellowstone, Gettysburg, the Statue of Liberty, the Grand Canyon and dozens of other historically significant destinations," he said.

But Sen. John Reed (D-R.I.), chairman of the Senate Appropriations subcommittee on Interior and Related Agencies, stood up for heritage areas. "We want to make sure these heritage areas continue to thrive," he said on the Senate floor March 19, "so I am proud we were able to extend their authorizations in this bill." The bill would also extend the life of 12 heritage areas for one year.

The National Parks Conservation Association was in a tough spot. Even though its primary role is to support the operation of the Park Service it also advocates for National Heritage Areas (NHAs). So Craig Obey, senior vice president of government affairs for NPCA welcomed the extra money for NPS operations but decried the heritage area cuts.

"While NPCA supports the restoration of critically needed operating funds for America's parks, we believe the better alternative is the House-passed CR, which, unlike these amendments, does not offset operations increases with reductions in of Park Service accounts," said Obey. "The Senate bill makes an already bad situation even worse."

NPCA's main complaint is with the Senate's version of a bill (HR 933) that would finance the federal government from March 28 through September 30. A temporary six-month spending bill is providing money through March 27. NPCA says the House version of HR 933 is more generous than the Senate's, given the impact of an across-the-board budget sequestration. *(See related article page one.)*

The Senate bill also includes a provision that would extend 12 current NHAs for one more year of funding eligibility. Coburn's amendment would also have removed that extension from the appropriations bill.

The twelve are: the National Coal Heritage Area, the Tennessee Civil War Heritage Area, the Augusta Canal National Heritage Area, the Steel Industry Heritage Project, the Essex National Heritage Area, the South Carolina National Heritage Corridor. The America's Agricultural Heritage Partnership, the Ohio & Erie Canal National Heritage Corridor, the Hudson River Valley National Heritage Area. The Blackstone River Valley National Heritage Corridor, the Delaware And Lehigh Navigation Canal National Heritage Corridor, and the Lackawanna Valley National Heritage Area.

Coburn criticized the areas. "So they have been in existence at least 16 years," he said. "They should have become self-sufficient. They need to become self-sufficient, and we should not be spending the money."

Heritage areas usually consist of a mix of public and private lands with striking social, economic, historical and natural features. NHAs don't, in their entirety, quite rise to the

level of national parks. However, some NHAs do actually include national park units within their borders. Once Congress designates an NHA, the Park Service works with local public and private partners to prepare a management plan.

Numerous individual NHA bills have already been introduced this year, including a bill (HR 1004) introduced March 6 to designate a Sacramento-San Joaquin Delta NHA. Rep. John Garamendi (D-Calif.) and four other House members from California introduced the bill.

While Congress has designated dozens of NHAs over the years, it has never formally established a system of NHAs, nor has it set standards for new NHAs. However, Reps. Charlie Dent (R-Pa.) and Paul D. Tonko (D-N.Y.) did introduce legislation (HR 445) February 1 that would designate a national policy and national standards for NHAs.

Separately, Senate Energy Committee Chairman Ron Wyden (R-Wyo.) has begun work on a large backlog of lands bills in his committee. Eventually he intends to put those committee-passed bills in a package or packages. Individual NHA bills would by definition be prime candidates for those packages. *(See related article page 6.)*

But before the packages reach the Senate floor they will almost certainly have to overcome hurdles placed by Coburn.

The Obama administration in fact requested an \$8.1 million reduction in national heritage area spending in its fiscal 2013 budget request, leaving \$9.3 million for the program.

Manhattan Project bills are reintroduced by GOP and Dems

Members of both political parties in the House and Senate will try again this year to establish a significant Manhattan Project unit of the National Park System.

House Natural Resources Committee Chair Doc Hastings (R-Wash.) March 15

introduced a bill (HR 1208) to include in the park unit three locations where the atomic bomb was devised and built - Los Alamos, N.M.; Oak Ridge, Tenn.; and Hanford, Wash. The bill was cosponsored by Reps. Rep. Chuck Fleischmann (R-Tenn.) and Rep. Ben Ray Lujan (D-N.M.)

On March 7 Sen. Maria Cantwell (D-Wash.) and four other senators introduced a counterpart bill (S 507). The wheels appear to be greased at least to push Cantwell's bill through the Senate Energy Committee because chairman Sen. Ron Wyden (D-Ore.) said last month that he supports the legislation.

But there are no guarantees. A predecessor bill from Hastings last year was blocked on the House floor twice. Although the measure received a majority of votes (237-to-180), it required a two-thirds majority for passage.

Most criticism came from liberal Democrats who objected on moral grounds to commemorating nuclear weapons that killed tens of thousands of people. But conservative Republicans also objected; they faulted the cost of the unit - up to \$4 million per year to operate.

Bill sponsors counter that, whatever the morality and whatever the cost, the development of the bomb was an historic event that deserves to be remembered. "Giving historic sites at Hanford the same status as Independence Hall will help honor the groundbreaking engineering achievements and tremendous sacrifices of those who labored there," said Cantwell. "And it will help boost the Tri-Cities' tourism economy, supporting local businesses."

Said Sen. Lamar Alexander (R-Tenn.), who provided bipartisan sponsorship to S 507, "As Americans, we have a special obligation to preserve and protect our heritage, and the Manhattan Project National Historical Park will ensure that all Americans learn about the significance of the Manhattan Project and how it continues to shape our history."

The Park Service completed a study of the project on July 13, 2011, that

backed the inclusion of the three sites in the one Manhattan Project National Historical Park.

NPS said there would be a cost, with operations and maintenance ranging from \$2.45 million to \$4 million per year and the writing of a management plan of \$750,000.

The site would focus on three locations where the atomic bomb was devised and built - Los Alamos, N.M.; Oak Ridge, Tenn.; and Hanford, Wash. Most of the land and buildings would come from existing Department of Energy facilities. But the Senate legislation does authorize the acquisition of private land from willing sellers.

The National Park Conservation Association (NPCA) endorsed the legislation, noting that controversy is part of history. Said Ron Tipton, senior vice president of policy for NPCA, "As America's greatest interpreter of our history and culture, the National Park Service has a long history of interpreting significant as well as controversial historic sites, from the Manzanar War Relocation Center to the Little Bighorn Battlefield. It is time for successful passage of the Manhattan Project National Historical Park Act."

The predecessor Manhattan Project bills from last year were considered prime candidates for a possible omnibus lands bill late in the session but the omnibus never got off the ground. Wyden has pledged to move lands bills this year, suggesting his panel will develop an omnibus measure and perhaps give the Manhattan Project bill another chance. (*See related article on omnibus legislation page 6.*)

Hastings reintroduces bill to help FS cabin owners

Four House Republicans March 14 introduced legislation (HR 1159) that would establish a new system of fees for the 14,000 owners of cabins within the National Forest System. HR 1159 is similar to a bill the House passed last year by voice vote.

Lead sponsor and House Natural Resources Committee Chairman Doc Hastings (R-Wash.) said the bill would prevent soaring increases in fees assessed against family-owned cabins in the forests. "For example, some families have received notice that their fees would increase by 1,000 percent," he said. "It's important that the public have access to public lands and these cabins shouldn't be priced-out of existence."

The new bill would establish ten tiers of fees beginning at \$500 per year and increasing by \$500 increments to a top fee of \$5,000.

Under the existing law - the Cabin User Fee Fairness Act of 2000 - the Forest Service in 2007 began reappraising cabins, based on five percent of the market value. Because some cabins had not been appraised for as much as 30 years the appraisals went through the roof.

Sen. Jon Tester (D-Mont.) introduced a Senate counterpart to the Hastings bill last year. He estimated that eight percent of cabin owners would have to pay just the \$500 per year fee and seven percent, or 980, would have to pay \$4,500 or more.

The Forest Service generally supports the legislation, with some concern that fees at the upper end may not be fair because they would not be high enough.

At a hearing on the Tester bill before the Senate Energy Committee on March 22, 2012, Leslie A.C. Weldon, deputy chief of the Forest Service, sort of backed the legislation. "We're very happy to have worked with the Association and with the committee in coming up with solutions over the last few years for this bill," she said. "We feel very comfortable with the proposal."

But Weldon added concerns about the equities in the bill. "Our analyses indicate that many of the proposed fees, particularly for the higher valued lots, would be less than those which would be paid under current law and which results

in fees being below market value," she said. "As previously noted, fees below market value can lead to substantial profits when cabins are sold, as the sale prices will reflect the value of the locations more than the value of the cabins. To reduce the likelihood of these profits, the proposed fee schedule should be more closely tied to market value."

In addition the Congressional Budget Office (CBO) estimated that the House bill in the last Congress would have collected \$2 million less per year than the existing system. "Over that period, fees collected from cabin owners by the Forest Service would total about \$30 million less than would be collected under current law (such losses are shown as an increase in direct spending)," said CBO. "In addition, the collection of newly established fees assessed on cabin owners who sell their cabins would increase receipts (thus reducing direct spending) by about \$5 million over that period."

Because of its popularity with Democrats and Republicans in both houses, the new House bill would be a logical candidate for an omnibus lands bill later this year. (See related article page 6.)

The three cosponsors of the House bill are all Republicans: Reps. Rob Bishop (Utah), Steve Daines (Mont.) and Michael Simpson (Idaho). Bishop chairs the House subcommittee on Public Lands and Simpson chairs the House subcommittee on Interior Appropriations.

Utah legislature beefs up state demands for fed lands

The Utah state legislature is stepping up its campaign to gain control of public lands. It is working on these three bills:

Bill number one (HB 142) was passed by the legislature March 7 and sent on to Gov. Gary Herbert (R) for signature. It would establish a procedure for the state to gain title to all federal lands within the State of Utah.

A second bill (HR 382) would establish a grazing policy for the Grand Staircase-Escalante National Monument and would ask the federal government to comply with the policy.

A third bill (HB 155) would require the Bureau of Land Management (BLM) and the Forest Service to defer generally to the state in enforcing the law on public lands, except in certain circumstances, such as an emergency.

The three bills complement Herbert's larger campaign to force the federal government to transfer all federal lands in the state to the state. The state legislature a year ago approved such a bill, and Herbert signed it.

Separately, the state has petitioned the federal courts to gain control over thousands of RS 2477 rights-of-ways across public lands.

A spokesman for the Southern Utah Wilderness Alliance (SUWA) scoffed at Herbert's and the legislature's initiatives: "SUWA opposes HB 142 and Governor Herbert's broader land grab agenda for the simple reason that it's a fool's errand to believe that the federal government will hand over the lands it manages to the state of Utah."

Added the spokesman, Mathew Gross, "The state can't afford to manage these lands, and such a transfer is likely unconstitutional - as even the Governor's own lawyers have told him. In the same way, symbolic bills like HB 155 and HB 382 are designed to hinder the ability of professional land managers to best manage our state's public lands. Such bills - much like the state's 20-plus RS 2477 lawsuits - are a waste of Utah taxpayers' money and the legislature's time."

Herbert fired the first shot in this battle March 23, 2012, when he signed legislation that requires the government to turn all federal lands in Utah over to the state. That includes national parks, BLM lands, national forests, wilderness areas and the Grand Staircase Escalante National Monument managed by BLM.

The Utah Office of Legislative Research and General Counsel appeared to interpret the base law as unconstitutional. It said of the law, "Under the Gibson case, that requirement would interfere with Congress' power to dispose of public lands. Thus, that requirement, and any attempt by Utah in the future to enforce the requirement, have a high probability of being declared unconstitutional." The Gibson Supreme Court decision is cited as *Gibson v. Chouteau*, 80 U.S. 92 (1872).

Separately, on Dec. 14, 2011, the State of Utah launched an initiative to gain the right to manage thousands of ways across federal lands. In "notices of intent" the state advised the Interior Department it will file formal lawsuits to claim 18,784 RS 2477 rights-of-way (ROWs) across department-managed lands. The notices follow closely on the heels of two lawsuits the state filed on Nov. 14, 2011, for 804 ROWs.

Arizona Gov. Janice K. Brewer (R) on May 14, 2012, delivered a setback to the western campaign by vetoing Arizona Senate Bill 1332 that would have ordered the feds to turn over 23 million acres of federal land in the State of Arizona by the end of 2014.

The new Utah bill now on Herbert's desk (HB 142) is administrative in nature and just directs the Public Lands Policy Coordinating Office "to conduct a study and economic analysis of the transfer of certain federal lands to state ownership. . ."

Notes

NPS defends Hatteras plan. The Park Service March 14 vigorously defended its plan for managing off-road vehicles (ORVs) in Cape Hatteras National Seashore, objecting to Congressional legislation to overturn the plan. Said Herbert C. Frost, associate director of the natural resource program for NPS, "Contrary to some reports, there is not now and never has been a ban on ORVs at the Seashore. The great majority of the beach is open to ORVs, visitation is rising, and tourist revenues are at record levels. At the same time, beach-nesting birds

and sea turtles are finally showing much-needed improvements." Frost testified before the House subcommittee on Public Lands and Environmental Regulation. But the sponsor of the bill (HR 819) to overturn the 2012 plan, Rep. Walter Jones (D-N.C.), defended his bill. "This bill is about jobs and the taxpayers' right to access the recreational areas they own," he said on introducing the measure February 26. "It's about restoring balance and common sense to Park Service management." The January NPS rule would keep 28 miles of the seashore open to ORV use but designate 26 miles of vehicle-free areas. Sens. Richard Burr (R-N.C.) and Kay Hagan (D-N.C.) cosponsored a counterpart bill (S 486) March 7. In addition to Rep. Jones's bill ORV users filed a lawsuit Feb. 9, 2012, against the Park Service plan in U.S. District Court for the District of Columbia. However, the plaintiff Cape Hatteras Access Preservation Alliance suffered a setback on January 5 when U.S. District Court Judge Emmet G. Sullivan in Washington, D.C., referred the case to Judge Terrence Boyle of North Carolina's Eastern District Court. That's a setback for the plaintiffs because Doyle has repeatedly ruled in favor of environmentalist litigants, The Audubon Society and Defenders of Wildlife.

Conservation tax bill returns.

The chairman and ranking Republican of the lead Senate tax committee March 12 introduced legislation to extend a significant tax break for landowners who set aside their property for conservation easements. The legislation would allow farmers and ranchers to deduct from federal income taxes up to 100 percent of their adjustable gross income for conservation easements. It would allow all landowners to deduct up to 50 percent of their income. The provision was first put into law in 2006 and renewed several times since. However, it expires at the end of September. S 526 would make the provision permanent. Senate Finance Committee Chairman Max Baucus (D-Montana) and ranking committee Republican Orrin Hatch (Utah) cosponsored the legislation. Said Hatch on bill introduction, "This legislation gives smart, responsible tax relief to

farmers and ranchers to keep their land, while guaranteeing future generations' access to our wide, open spaces. This is a win-win for rural America and it's past time Congress took action to make these tax incentives permanent."

Bill would halt Ike Memorial. In keeping with objections from former President Dwight D. Eisenhower's family, Rep. Rob Bishop (R-Utah) introduced legislation (HR 1126) March 13 that would require a new design of a memorial for the President. Bishop's subcommittee on Public Lands and Environmental Regulation held a hearing on the measure March 19. At the same time the legislation would bar a requested appropriation of \$100 million in federal money for the memorial. A Dwight D. Eisenhower Memorial Commission not only solicited the design from famed architect Frank Gehry, but it also solicited \$100 million from Congress to pay for the memorial on the Washington Mall. The Gehry design would be based on metal tapestries of a youthful Ike set in his Kansas hometown. The project is expected to cost \$142 million. Said Bishop, "We need to reevaluate the current status of the project and find the best way forward toward building greater consensus. This legislation will help address funding concerns and will offer alternative designs for consideration. I am hopeful that these changes will help advance the project toward an outcome upon which all parties can agree." But the American Institute of Architects (AIA) was furious at the proposed Congressional intervention in the commission's work. Said AIA Chief Executive Officer Robert Ivy, "Rep. Bishop's legislation allows Congress to exercise governmental authority in a wholly arbitrary manner that negates the stated selection process. It is nothing more than an effort to intimidate the innovative thinking for which our profession is recognized at home and around the globe. We intend to vigorously oppose it."

Everglades bridge completed.

Secretary of Interior Ken Salazar joined numerous south Florida leaders March 19 to mark the completion of a one-mile bridge over the Tamiami Trail, the largest construction project in the

history of the National Park Service. Congress approved the project in a 1989 law prior to passing a landmark law in 2000 that authorized the multi-billion-dollar Comprehensive Everglades Restoration Project (CERP). The bridge will allow water to flow into the Everglades Ecosystem that is now blocked by a highway. The ceremony follows the introduction February 28 of legislation (S 414, HR 913) from the Florida Congressional delegation that would authorize almost \$1.4 billion in new Everglades restoration projects. Sen. Bill Nelson (D-Fla.) and Reps. Alcee Hastings (D-Fla.) and Mario Diaz-Balart (R-Fla.) put the legislation on the table as a stand-alone bill, but it may stand a better chance of enactment as part of a broader water projects bill. Leaders of both the Senate Environment and Public Works Committee and the House Transportation Committee are working on such a broad bill this year.

3,364-mile Pike Trail asked.

Colorado senators introduced legislation (S 524) March 12 that would require a study of a possible 3,364-mile Pike National Historic Trail through portions of Missouri, Kansas, Nebraska, Colorado, New Mexico and Texas. Lead sponsor Michal Bennet (D-Colo.) explained the significance of the proposed trail to honor Zebulon Pike's 1806 expedition. "Pike's expedition - the first American-led effort to explore the Rocky Mountains - is an important piece of history for Colorado and for the American Southwest," Bennet said. "A Historic Trail designation would ensure the trail's recognition for generations to come and would create more opportunities for heritage tourism. . ."

Conference Calendar

MARCH

23-27. **American Alliance for Health, Physical Education, Recreation and Dance** annual meeting in Charlotte, N.C. Contact: AAHPERD, 1900 Association Drive, Reston, VA 20191. (703) 476-3400. <http://www.aahperd.org>.

24-29. **North American Wildlife Conference** in Arlington, Va. Contact: Wildlife Management Institute, 1146

19th Street, NW, Suite 700, Washington, DC 20036. (202) 371-1808. <http://www.wildlifemanagementinstitute.org>.

APRIL

3-7. **Society for American Archaeology** annual meeting in Honolulu, HI. Contact: Society for American Archaeology, 900 2nd St., N.E., Suite 12, Washington, D.C. 20002-3557. (202) 789-8200. <http://www.saa.org>.

7-11. **LWCF Summit** in Denver, Colo. sponsored by the National Association of State Outdoor Recreation Liaison Officers and the National Association of State Park Directors. Contact: http://www.nps.gov/lwcf/Conference_Webpages/welcome.htm.

19-23. **National Association of Recreation Resource Planners** annual meeting at Park Place Hotel in Traverse City, Michigan Contact: National Association of Recreation Resource Planners, P.O. Box 221, Marienville, PA 16239. (814) 927-8212. <http://www.narrp.org>.

22-23. **National Hydropower Association** annual conference in Washington, D.C. Contact: National Hydropower Association, One Massachusetts Ave., N.W., Suite 850, Washington, D.C. 20001. (202) 682-1700. <http://www.hydro.org>.

30-May 3. **National Ski Areas Association National Convention and Trade Show** in Palm Springs, California. Contact: National Ski Areas Association, 133 South Van Gordon St., Suite 300, Lakewood, CO 90228. (303) 987-1111. <http://www.nsaa.org>.

MAY

5-8. **National Sporting Goods Association** conference. Contact: National Sporting Goods Association, 1601 Feehanville Drive, Suite 300, Mt. Prospect, IL 60056-6035. (847) 296-6742. <http://www.nsga.org>.

8-9. **America Boating Congress** legislative conference in Washington, D.C. Contact: National Marine Manufacturers Association, 444 N. Capitol Street, NW Suite 645, Washington, D.C. 20001. (202) 737-9750. <http://www.nmma.org>.