

Federal Parks & Recreation

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Obama DoI budget meets GOP Congressional reality

The bullish fiscal year 2016 Obama administration budget met the bearish Republican Congress over the last two weeks. And the bear made clear that the administration's dreams of major conservation spending are a long shot at best.

In fact, the chairman of the Senate Appropriations subcommittee on Interior and Related Agencies warned the Interior Department it could expect no spending increases.

Chairman Lisa Murkowski told Secretary of Interior Sally Jewell at a budget hearing, "In all likelihood, we will have roughly the same amount to spend this year as we did last year under the budget caps, yet you have proposed \$1.4 billion above that level."

Murkowski added, "This subcommittee is forced to make very difficult choices in how to prioritize among the many programs in this bill, and your budget does not help by giving us guidance as to programs the administration sees as a priority." The committee held the hearing March 4.

The administration received more bad news from Murkowski's House counterpart, Rep. Ken Calvert (R-Calif.) He warned Jewell at a House subcommittee hearing February 25 that unless Congress acted to establish permanent funding for a public lands county payments program, that program could eat up more than \$400 million from an Interior spending bill.

That is, the subcommittee's bill would have to allocate \$452 million for the payment-in-lieu of taxes (PILT) program. And that \$452 million would come from other programs. For much of the last two decades Congress

has guaranteed PILT money outside appropriations legislation.

"Until a long-term funding solution is identified, PILT will continue putting pressure on LWCF (the Land and Water Conservation Fund) and other programs within this bill," Calvert said at a hearing on the Interior Department's fiscal 2016 budget.

To make matters even more problematic for a fiscal 2016 appropriations bill Congress may be forced to use money from it to repay fire-fighting costs from this coming fire season, if it is a bad season. Congress still pays for the most expensive fires in regular appropriations bills and not with disaster funding.

For now a major concern for Forest Service Chief Tom Tidwell and westerners is the huge hit fire suppression makes on the agency's budget. They are particularly concerned about the dozen or so huge fires in the West each year. The ten largest conflagrations in 2015 cost \$329 million to fight, Tidwell said. *(See related article page 11.)*

The budget solution, he told a Senate Energy Committee budget hearing last month, is to move emergency spending out of line appropriations and into a separate category of disaster spending. Western Republican and Democratic senators and House members have teamed up to introduce legislation to do just that.

Tidwell said of the huge fires, "That equals one percent of our fires. So we'll continue to suppress 99 percent of fires within our budget. But that one percent we feel we should be looking at these catastrophic fires really as a natural disaster and it should be funded out of a disaster relief fund."

Murkowski's criticism of the Interior budget is not necessarily a reflection of her taking revenge for a department decision forbidding the construction of a 10-mile road to an Alaskan village. But that dispute certainly doesn't help.

Although Murkowski and staff are

not saying so directly, potentially poisoning the senator's relationship with the administration on spending is the festering dispute over the road to King Cove.

Murkowski has complained bitterly about Jewell's Dec. 23, 2013, decision that forbid the construction of the road across the Izembek National Wildlife Refuge to King Cove. The 10-mile, noncommercial road was proposed for medical evacuations.

A Democratic response to Murkowski on the budget came from the other side of the Hill in the House subcommittee on Interior appropriations. There, ranking Democrat Betty McCollum (D-Minn.) endorsed the administration's proposed increase for the department at the February 25 budget hearing.

"After years of diminished budgets, with agencies barely holding their own, your budget request attempts to turn the corner and put sequestration behind us," she told Jewell. "That said, this is by no means an extravagant budget. Adjusted for inflation, this request proposes to spend less on Interior Department programs than we were spending a decade ago in 2005."

In its fiscal 2016 budget request the Obama administration proposed the elimination of a long-term agreement with Congress called sequestration. That agreement sets lean annual spending caps.

By assuming the death of sequestration the administration was able to propose in fiscal 2016 significant increases for land management agencies and conservation programs.

But, said Murkowski, "Your budget proposes new spending as if we had already lifted sequestration. That amounts to wishful thinking, not responsible governance."

Heretofore Murkowski has been one of the more generous Congressional Republicans when it comes to appropriations for the Interior Department and the Forest Service. For instance, while serving as the ranking

Republican on the appropriations subcommittee in fiscal years 2014 and 2015 she signed off on draft money bills that would have provided far more money than counterpart House bills.

Among other things in its fiscal 2016 budget request of February 2 the Obama administration proposed full funding for LWCF. For LWCF administration recommended that Congress (1) appropriate \$400 million in fiscal 2016 and (2), by separate authorizing legislation, guarantee an additional \$500 million through an extended rewrite of the law. The traditional state and federal LWCF programs received just \$225 million in the fiscal 2015 appropriation law. (See related article page 6)

Separately in the budget, the administration recommended a whopping \$826 million increase in fiscal year 2016 for the Park Service Centennial.

The administration in general recommended increases in spending in fiscal 2016 for land management agencies. For Park Service management the administration proposed \$3.048 billion, compared to a fiscal 2015 appropriation of \$2.615 billion.

All of those increases are in dire straits unless Congress removes the sequestration limits, which Republican leaders are unlikely to do.

FLREA bill with fee limits still on Rep. Bishop agenda

Rep. Rob Bishop (R-Utah) intends to write this year legislation to replace the existing federal entrance/user fee law - the Federal Lands Recreation Enhancements Act of 2004 (FLREA).

Last year when he was chairman of the subcommittee on Public Lands Bishop pushed a bill (HR 5204) through the House Natural Resources Committee. Now Bishop chairs the full committee.

His office said March 6 that the committee "will use the bill that passed in in markup last year as a starting point."

A number of committee members from both sides of the aisle were reportedly reluctant last year to complete HR 5204 because it could lead to new and/or higher fees on visitors to federal lands. That led to speculation that this year Congress would opt for a one- or two-year extension of FLREA. Congress last year extended FLREA through September 2016.

As for new fees the spokeswoman for Bishop, Julia Bell, said "the chairman will want to put strict limitations on fees."

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.

Meanwhile, if there is a battle this year over changes to the law, anti-fee forces are gearing up now. The Western Slope No-Fee Coalition last week warned its members, "Folks, you are poised to lose the pay-to-play battle. You need to let your elected representative s know how important our heritage of public lands is for you and for future generations. Demand that they enact sensible recreation fee legislation that protects the public."

The anti-fee forces got a dose of bad news last week when the Interior Department Inspector General encouraged the Park Service and the Bureau of Land Management (BLM) to charge more fees for access to public lands, not less.

In a report on BLM, Deputy Inspector general Mary L. Kendall charged, "BLM is not effectively using its authority to charge recreation fees at several heavily used non-fee camping

NOTICE: PUBLISHING SCHEDULE CHANGE

Dear Subscriber:

The next issue of *Federal Parks & Recreation* will be published on April 6, one week later than the usual biweekly cycle. After that we will resume our regular biweekly publishing schedule.

areas on BLM land in Arizona, Colorado, and Nevada. As a result of heavy visitation, these areas need additional amenities, such as toilets, to qualify for fee implementation and to better protect public health and safety and land resources. BLM could add amenities with minimal investment."

BLM agreed to review non-fee campground sites for possible new amenities and new fees. But BLM Director Neil Kornze told the IG the agency has a twin responsibility to encourage public visitation, as well as to make money.

"The BLM generally agrees with the findings and concurs with the recommendations to ensure that recreation fees are set at fair market value, where appropriate. The BLM also notes that in certain circumstances, the bureau may have compelling reasons to not charge fees, including to encourage visitor use and to preserve maximum access to the public," Kornze wrote the IG's office.

"The benefits of fees identified in the report must be considered along with the BLM's goals for public access and visitor use."

In a separate report Kendall urged NPS to end a six-year moratorium on fee increases and assess increases. The Park Service has launched just such an effort, the agency noted, in the form of an Aug. 9, 2014, memo from director Jon Jarvis to regional directors.

The IG also encouraged the Park Service and its fellow agencies to reassess an \$80 fee for an annual America the Beautiful pass. To which Jarvis said the agencies were waiting on Congress to rewrite FLREA before acting.

Jarvis said, and the IG acknowledged the wisdom of it, "Since the law expires in December 2015 and Congress has not acted with new legislation or extension of the current law, the interagency working group has not proposed any change to the price. It is likely with renewed or revised legislation that the price of the pass will be reevaluated."

One bill affecting FLREA has been introduced in this Congress. That measure (S 119) from seven senators would entitle all veterans with a service disability to a lifetime free pass to federal recreation lands.

Under current law veterans with a 100 percent disability are eligible for a lifetime free pass to federal lands, including national parks. S 119 would extend that pass to any service-connected disability.

Sens. Jeanne Shaheen (D-N.H.) and Susan Collins (R-Me.) are the lead sponsors.

When the House Natural Resources Committee approved the comprehensive rec fee bill last year, the panel left several issues unresolved. In addition to the dispute over who has ultimate authority to set new fees, Congress or land management agencies, still unresolved are appropriate discounts for senior citizens age 62 or older.

For \$10 now seniors can buy a lifetime America The Beautiful Pass into all national parks and other land management agency sites. The standard America the Beautiful fee is \$80 per year.

Some outdoor policy players have suggested a \$40 lifetime pass for seniors, others have suggested an increase in the age to begin the pass, and others have suggested just giving seniors a simple percentage discount each year.

HR 5204 punted on the issue, calling instead for a study by the Departments of Interior and Agriculture.

Finally, the committee bill did not include the Corps of Engineers despite general agreement among interest groups and politicians that the Corps should be part of the program.

FLREA, as enacted on Dec. 8, 2004, as PL 108-447, Section 804, was only good for 10 years. An interim appropriations law (PL 113-46 of Oct. 16, 2013) extended it through Dec. 8,

2015. PL 113-235 of December 16 extends FLREA through December 2016.

FLREA produces about \$270 million per year in fee revenues and most of the money is used to improve recreation facilities.

Feds give sportsmen's access bill qualified endorsement

The Obama administration gave "yes, but" backing yesterday (March 12) to sweeping legislation (S 556) to encourage hunting and fishing on the public lands.

Among the 14 separate provisions one key measure would declare public lands open to hunting and fishing unless specifically closed by a land management agency. Another would reauthorize the Federal Land Transaction Facilitation Act (FLTFA).

Steve Ellis, deputy director for operations for the Bureau of Land Management (BLM), said at a hearing of the Senate Energy Committee that the administration was in sympathy with the measure.

"We support the goals of the bill, but we have outlined some concerns in this statement," he said. Among those concerns is a section of the bill that would authorize small filming crews to pay an annual fee of \$200 for access to public lands.

Ellis said of the provision, "However, it is important that all commercial filming activities be managed to avoid disruption to visitor activities and damage to natural and cultural resources, and the Administration cannot support this section as written because it does not provide sufficient discretion for the agencies to manage film crews as a use of public lands."

Of the provision to declare public lands open to hunting and fishing unless specifically closed Leslie Weldon, deputy chief of the National Forest System, worried those uses would have greater priority than other uses.

"Although the bill states that the bill is not intended to prioritize recreational hunting, fishing, and recreational shooting over other uses of Federal lands, USDA is concerned that the requirements in section 101 to facilitate recreational hunting, fishing, and recreational shooting could limit the agency's flexibility to balance these uses with other uses as required under the Forest Service's Multiple Use-Sustained Yield Act," she said.

The 18 or so sponsors of S 556 are almost evenly divided between Democrats and Republicans. They and the sportsmen who support the bill are talking optimistically of securing final passage this year for the package of legislation that has now been introduced in the last three Congresses.

Said lead sponsor and energy committee Chairman Lisa Murkowski (R-Alaska), "My hope is that the third time is going to be the charm for this sportsmen's legislation."

She said the Senate Environment and Public Works Committee would hold a separate hearing on the provisions in the bill that it oversees. "Assuming all goes well we will move to mark-up in the near future and then we intend to assemble one bill for Senate consideration," said Murkowski.

A key committee member, ranking Democrat Maria Cantwell (D-Wash.), made a strong pitch at the hearing for the Land and Water Conservation Fund (LWCF).

"The best thing we could do to continue to protect open space and wildlife habitat for hunting and fishing and other recreation opportunities is to ensure that the (LWCF) is permanently authorized," she said. "I support language in the bill to set aside a portion of the (LWCF) to acquire public access for hunting and fishing and recreation. So if we allow the (LWCF) to expire there won't be any money for the sportsmen."

Some of the dozen or so provisions in S 556 - many of which have been introduced in the past as stand-alone bills - are controversial.

For instance, one provision would direct the Administrative Conference of the United States to collect from each federal agency data about payments made to litigants under the Equal Access to Justice Act.

That law authorizes the Treasury Department to pay expenses of law firms that successfully sue federal agencies. The agencies are often land managers. The Treasury Department would then make the data available to the public. The provision is aimed at law firms that represent environmentalists.

FLTFA authorizes the sale of excess Bureau of Land Management and Forest Service lands and uses the proceeds to acquire conservation lands. Other agencies including the Park Service receive acquisition money.

The agencies have reaped more than \$100 million from the sale of public lands. FLTFA was first enacted in 2000, but expired on July 25, 2001.

In the House Rep. Dan Benishek (D-Mich.) reintroduced legislation (HR 528) January 26 that would declare public lands open to hunting and fishing unless specifically closed. Like the Senate bill HR 528 would apply to Bureau of Land Management and Forest Service lands. The Benishek bill does not include the other provisions in the Senate bill.

The House approved a predecessor Benishek bill Feb. 5, 2014, as part of a package of legislation to encourage hunting and fishing on public lands. The bill failed in the Senate.

LWCF less appreciated in House hearings than in Senate

The influential chairman of the House Natural Resources Committee last week reminded Secretary of Interior Sally Jewell that the Land and Water Conservation Fund (LWCF) is less highly thought of in the House than in the Senate.

Before unloading on LWCF at

a March 5 committee hearing on the Interior Department's fiscal year 2016 budget request, chairman Rob Bishop (R-Utah) first complained about overregulation by the department.

Then he said, "Instead of addressing these challenges in a meaningful way, the Administration has proposed millions in new spending and miles of new regulatory red tape that will perpetuate existing management challenges and compound bureaucratic failures. For example, the budget would seek to spend millions of new taxpayer dollars to purchase more federal lands despite massive maintenance backlogs and increasing catastrophic wildfires measuring in the billions of dollars on existing federal assets."

An analysis of the department's budget request put together by Bishop's staff is more explicit. It begins the LWCF analysis this way: "According to the Congressional Research Service, the total combined maintenance backlogs and deferred maintenance for the federal land management agencies under the Department of the Interior as well as the Forest Service are as much as \$23 billion."

Then it says, "Yet, the President's budget seeks \$274 million for new federal land acquisition for the Department of the Interior, and a total of \$900 million in combined discretionary (\$400 million) and mandatory (\$500 million) funding for the Land and Water Conservation Fund (LWCF) in FY16. Only \$20 million (5%) is proposed for sportsmen access and just \$47 million (less than 12%) for state parks grants."

Granted, Bishop's committee does not administer appropriations. The House Appropriations Committee has that responsibility. But the base LWCF law is scheduled to expire at the end of September and Bishop's natural resources panel would by definition write renewal legislation.

In the Senate LWCF's chances are better. For example in a big test January 29 the Senate came within one vote of approving legislation to

extend LWCF. The vote was 59-to-49, with 60 votes needed to pass. Thirteen Republicans were among the LWCF supporters.

The man in charge of Interior appropriations in the House, Rep. Ken Calvert (R-Calif.), was not as tough on LWCF as Bishop in a February 25 budget hearing February 25. But Calvert, chairman of the House Appropriations subcommittee on Interior and Related Agencies, did warn Jewell that it is unlikely she would get the level of appropriations she requested.

"To be frank," said Calvert, "I'm concerned that your budget request raises expectations that simply cannot be met. . . . We will do our best to address the highest priority needs but, as we've discussed, any increases to specific accounts or programs will likely have to be offset against other accounts and programs in this bill."

LWCF does have its champions in the House, including ranking House Natural Resources Committee Democrat Raúl Grijalva (D-Ariz.) He told Jewell at the resource committee's March 5 hearing, "I am pleased the administration has requested full funding for the Land and Water Conservation Fund. It is not only popular but also a very effective program that is providing good quality of life in local communities by providing recreation and open space. This funding is critical in reversing some of the fragmentation we have across this country."

To which Jewell said in prepared testimony, "On the 50th anniversary of the Land and Water Conservation Fund Act, the budget requests Congress to support full funding for LWCF programs. The innovative, highly successful program reinvests royalties from offshore oil and gas activities into public lands, enabling access for sportsmen and hunters, protecting historic battlefields and providing grants to States for recreation and conservation projects."

Although the Senate almost approved an extension of LWCF in

January, the program is not receiving a free pass there. At a January 24 hearing of the Senate Energy Committee, chairman Lisa Murkowski (R-Alaska) and Secretary Jewell February 24 laid out quite different visions for its future.

Murkowski told Jewell an unspecified portion of the fund should be used for "reforms" i.e., to attack a maintenance backlog on federal lands. That was also Bishop's implication.

But Jewell suggested LWCF money should continue to be used for land acquisition and said that the budget had a separate component to address a maintenance backlog.

Although the two differed on future uses of the money, they have agreed in the past that the law should be extended beyond its current expiration date of September 30. Murkowski earlier this month promised to take up reauthorization in her committee, but with a catch.

She wants to consider revisions to the law, such as diverting LWCF to land management agency maintenance.

Buoyed by the 59-to-40 vote of January 29 the lead sponsor of the amendment, Sen. Richard Burr (R-N.C.), introduced stand-alone legislation (S 338) February 3 to make LWCF permanent. Of note, the bill would not guarantee the \$900 million per year the program would be authorized to spend. Previous iterations of a Senate reauthorization bill would have guaranteed the money.

Burr attempted to bring S 338 to the floor a second time February 5 under a suspension of the rules procedure but Sen. Mike Lee (R-Utah) objected. He said LWCF is too important an issue to take up without a thorough scrubbing in committee and on the floor. So Burr and company will have to wait another day.

However, Burr said revisions to the law can be considered later. Job one is to get the law extended now.

With that backdrop the Obama administration once again February 2 proposed full funding for LWCF for fiscal

year 2016 without the restructuring suggested by Republican critics.

In submitting the annual budget request to Congress the administration recommended that Congress (1) appropriate \$400 million for LWCF in fiscal 2016 and (2) by separate authorizing legislation guarantee an additional \$500 million through an extended rewrite of the law.

Here are some of the LWCF-related fiscal 2016 administration budget requests:

* LWCF FEDERAL APPROPRIATION: For federal land acquisition the administration recommended \$235.8 million compared to a final fiscal 2015 appropriation of \$165.7 million. The breakdown: NPS acquisition, \$64.3 million; BLM, \$38 million; FWS, \$58.5 million; FS, \$63 million; and DoI Valuation Services, \$12 million.

* LWCF FEDERAL (NEW GUARANTEED PROGRAM): This presupposes Congress approves new legislation to guarantee \$900 million per year for LWCF. These recommendations are in addition to the regular appropriations above. The breakdown: NPS acquisition, \$106.7 million; BLM, \$55.4 million; FWS, \$106.3 million; FS, \$64.7 million; and DoI Valuation Services, \$6 million.

* LWCF STATE APPROPRIATION: For state LWCF grants the administration recommended \$53.2 million, compared to a fiscal 2015 appropriation of \$48 million.

* LWCF STATE (NEW GUARANTEED PROGRAM): This allocation presupposes Congress approves new legislation to guarantee \$900 million per year for LWCF. For state grants the proposal would add \$47 million, for a total of \$100 million.

Hill has little planned on new highway bill just yet

With barely six weeks left until the existing surface transportation law expires, no responsible House or Senate committee has begun to write new legislation, at least publicly.

And none of the four responsible committees has mark-ups scheduled as of today (March 13). Those committees are the panels that will write the details of a law - the House Transportation Committee and the Senate Environment and Public Works Committee and the panels that will pay for it - the House Ways and Means Committee and Senate Finance Committee.

However, the House Transportation Committee does have a hearing scheduled on reauthorization of the existing law for Tuesday, March 17.

Meanwhile, supporters of one of the recreation programs beholden to the existing surface transportation law, the Recreational Trails Program, anticipate submitting their recommendations to the committees shortly. The 33 supporting groups making up the Coalition for Recreational Trails have identified Congressional sponsors from both sides of the Hill and from both parties.

The Recreational Trails Program received a set-aside of \$85 million per year in each of the last two years under the present surface transportation law Moving Ahead for Progress in the 21st Century Act (MAP-21).

Supporters note that the program pays for itself in that funds are based on a portion of federal fuel taxes paid by powered recreation vehicles. "Over 20 years, RTP funding has grown to represent a more equitable portion of the total fuel taxes paid by nonhighway recreationists, although that portion is still less than 42% of the total taxes paid annually by nonhighway recreationists," they say in a fact sheet.

The coalition includes groups ranging from the American Council of Snowmobile Associations to the National Association of State Park Directors to People for Bikes to Tread Lightly!

As *FPR* reported in the last issue, Senate Environment and Public Works (EPW) Committee Chairman James Inhofe (R-Okla.) said at a February 25 hearing that moving a highway bill is his top priority this year.

He added, "My staff has been working with Sen. Boxer's staff on a long-term bill that will give our partners the certainty they need to plan and construct important transportation projects." Boxer is ranking committee Democrat Barbara Boxer (D-Calif.)

We understand that one game plan now circulating on the Hill would (1) approve a three or four-year patch to keep MAP-21 or its successor going with a combination of existing gasoline taxes and tax repatriation reforms. At the same time Congress would (2) establish a blue ribbon commission to recommend sources of money in the out-years.

Boxer and Sen. Rand Paul (R-Ky.) said a month ago they would introduce legislation shortly to capture foreign tax revenues, called repatriation, to help pay for an extension of the law. The Obama administration is already on board.

Whichever way Congress goes outdoor programs financed by MAP-21 are going to be at risk from critics who charge that spending on recreational trails at a time when road and bridge money has been depleted is not wise.

At a surface transportation hearing in the House February 11 Rep. Brian Babin (R-Texas) led the critics when he objected to the use of surface transportation money for trails.

Babin doesn't necessarily represent mainstream Republican thinking. Still, he voiced a "concern about spending highway money for trails and enhancements that has long circulated in rural areas."

In a fiscal year 2016 budget request the Obama administration recommended February 2 that Congress continue to finance the Department of Transportation program that feeds park and recreation activities, called Transportation Alternatives Program (TAP).

The administration asked Congress to allocate \$847 million to TAP, up \$27 million from a fiscal 2015 allocation of \$820 million. The program relays

money to a group of outdoor initiatives, including the \$85 million set-aside for recreational trails.

The Transportation budget also recommended a separate \$277 million increase in spending on federal agency and Indian roads, from \$1 billion in fiscal 2015 to \$1.277 billion in fiscal 2016. Much of that increase would be used for large, expensive projects.

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

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

The administration would use new tax money to supplement the existing 18.5 cents per gallon gasoline tax that gins up about \$34 billion per year for surface transportation. The tax money would come from corporations that have transferred many billions of dollars to foreign countries. If they agreed to bring their money home, they would face reduced taxes. That's initiative Sens. Boxer and Paul said they act on in a new bill.

Other proposals for raising the billions needed that have emerged in recent months include an increase in the gasoline tax from Rep. Earl Blumenauer (D-Ore.)

For the last 20 years the gas tax has remained at 18.5 cents per gallon, not even keeping up with inflation. On February 3 Blumenauer introduced a bill (HR 680) that would increase the gasoline tax by 15 cents per gallon over the next three years.

PERC offers proof that state managers make more money

A western think tank documented last week what has long been known - state governments collect far more money

from the public lands they manage than do federal land managers. Particularly for recreation uses.

But the authors of the report also acknowledge what has long been known – federal land managers operate under far more stringent laws. For instance state agencies are often required to make revenues their number one priority; federal agencies must give priority to many uses at once.

Given those caveats the report from the Property and Environmental Research Center (PERC) does offer a sharp contrast in revenues collected, federal-versus-state.

For instance the report released March 5 says the Forest Service collects just 28 cents for every dollar spent on recreation while state trust lands averaged \$6.86 for every dollar spent. That is based on an average over the five years from 2009 to 2013.

Once again there is a caveat, this time a matter of scale. The Forest Service operates a vast recreation system with expenses of \$465,984,985. The states spent only an average of \$106,939 for recreation on State Trust Lands. Montana collected on average \$177,294 and Idaho collected \$36,584. The report did not compare federal recreation to state parks and forests, just to trust lands. Again, that is based on an average over the five years from 2009 to 2013.

Still, the report, written by PERC staff members Holly Fretwell and Shawn Regan, says, "The potential to generate revenue from recreation on federal lands remains largely untapped."

The authors note that since 2004 Congress has authorized the Forest Service and the Bureau of Land Management (BLM) to charge entrance and user fees.

"Nonetheless," say Fretwell and Regan, "despite its ability to generate and retain user fees, the federal government still loses money on recreation. The Forest Service spends \$2.81 per recreation visitor and earns

just 78 cents in return. In the case of the BLM, costs are \$1.49 per recreation visitor, but agency earnings amount to only 31 cents per recreation visitor."

House Natural Resources Committee Chairman Rob Bishop gave the report a plug March 5 at a hearing on the Interior Department's fiscal year 2016 budget request.

"Federal lands should be valuable assets to our local communities. If managed properly, these resources could reap significant financial and economic returns for the U.S. Treasury, states, and local economies," he said. "Instead, they are a liability to local communities and our environment, and a drain on limited taxpayer resources. A report issued this week by the Property and Environmental Research Center highlights this basic failure."

The PERC report compares not just recreation costs but also timber, grazing and mineral costs. It concludes in part, "These results are the product of the different statutory, regulatory, and administrative frameworks that govern state and federal lands. State trust agencies have a fiduciary responsibility to generate revenues for trust beneficiaries."

One reason the feds operate under different statutory limitations is because of the demands of the American public. For generations western citizens have assumed Forest Service and BLM lands would be available for recreation at no cost, with annual appropriations expected to pick up operating expenses.

For groups such as the Western Slope No-Fee Coalition that is the case. In the latest newsletter to its members the coalition said March 4, "No one thinks that the use of highly developed or specialized facilities on federal lands should be free. But because our National Forests and BLM lands are a national heritage and birthright that provide important benefits to all Americans, we should be able to enjoy general access to them, as well as the use of minimal facilities that protect resources, health and safety, in return

for the taxpayer funding that we provide to the Forest Service and (BLM)."

The PERC report, *Divided Lands State vs. Federal Management in the West*, is available at www.perc.org.

BLM proposes major changes in Calif. Desert OHV mileage

The Bureau of Land Management (BLM) March 6 proposed a significant revision in the miles of the western portion of the California Desert that should be open to motorized vehicles.

Responding to a federal court order BLM proposed to approximately double the number of miles closed to off-highway vehicle (OHV) use (from 2,398 now to 4,404). At the same time BLM proposed to approximately double the miles open to OHVs (from 5,338 now to 10,428).

The number of miles closed and open would double because BLM has reviewed 7,214 miles that are presently not designated but are presumed closed.

The BLM action came in the form of a draft amendment to the California Desert Conservation Area Plan of 1980 and to a 2006 West Mojave Plan amendment to the 1980 plan. BLM prepared the new draft because the Center for Biological Diversity and other groups said the 2006 plan designed to protect the desert tortoise and other species failed to analyze adequately alternatives that could lead to reduced OHV use.

The West Mojave (WEMO) area of the California Desert occupies 9.4 million acres and the West Mojave Route Network Project segment of the area occupies almost three million acres.

National Park System units that border WEMO include Sequoia, Joshua Tree, and Death Valley National Parks and the Mojave National Preserve. In addition BLM says the planning area includes 18 wilderness areas, three wilderness study areas and some of the Pacific Crest Trail and the Old Spanish Historic Trail.

In the federal court decision a federal judge held in a Jan. 28, 2011, decision that the 2006 plan amendment only addressed impacts to sensitive species, but should have assessed impacts to other resources.

And the court said the 2006 plan only considered the same 5,098-mile network of open trails in all seven alternatives that BLM analyzed.

BLM will accept comments on the draft plan through June 4 and will hold four hearings: March 31 in Ridgecrest, April 2 in Victorville, April 7 in Lone Pine and April 15 in Yucca. The draft plan and EIS are available at: http://www.blm.gov/ca/st/en/fo/cdd/west_mojave_wemo.html.

The Mojave area of the California Desert is also the focus of new legislation from Sen. Dianne Feinstein (D-Calif.) that would protect more than 1.6 million acres. That includes designation of two national monuments from BLM land totaling 1.1 million acres.

Introduced February 9 the bill (S 414) would designate a Mojave Trails National Monument that would take up 965,000 acres and would include 196,000 acres of a Catellus tract that was donated and sold to the United States between 1999 and 2004. The bill would designate a second Sand to Snow Monument that would include 135,000 acres on Mount San Gorgino. Again all monument land would come from BLM territory.

The Feinstein bill would also:

NPS expansion: Add 39,000 acres to the Death Valley and Joshua Tree National Parks and the Mojave National Preserve. All but 1,639 acres of the added land is currently managed by BLM. An additional 1,639 acres is owned and managed by the Mojave Trust and would be included in the Mojave preserve.

Exchanges: Would transfer 370,000 acres of small parcels of state land for equal value federal lands to at once consolidate wilderness areas and national park land while providing the State of California with potential

renewable energy sites.

OHV routes: Would give permanent status to 142,000 acres of existing ORV sites.

Wilderness: Would designate as wilderness study areas 250,000 acres of BLM land.

Senator lays some blame for fire costs on homes in wild

Sen. Maria Cantwell (D-Ore.) last month placed a portion of the responsibility for the huge increase in federal fire-fighting costs on the construction of homes in the wildland-urban interface.

Addressing the touchy subject of homeowner construction in and near national forests and other public lands, Cantwell said 46 million homes have been constructed in the interface. And protection of those homes requires the federal government to mount expensive attacks on nearby fires, instead of letting the fires burn out.

Many of those residences were built as second-home recreation retreats and many are located on or near federal recreation lands.

The situation may get worse. Said Cantwell, ranking Senate Energy Committee Democrat, at a February 26 hearing on the Forest Service budget held by the panel, "Only 16 percent of the Wildland-Urban Interface has been developed. When 50 percent is developed, suppression costs will rise to \$4-5 billion annually."

Said the senator, "Fire experts cite housing development in the Wildland-Urban Interface as the number one reason firefighting costs have increased over the last 15 years."

Forest Service Chief Tom Tidwell said those numbers "stress the point that we need to move forward" on treating hazardous fuels in the interface.

Home construction in the wildland-

urban interface is a touchy subject because state and local governments are loathe to limit where people can build residences. And, of course, those governments reap tax and other payments from homeowners and developers.

For now a major concern for Tidwell and westerners is the huge hit fire suppression makes on the agency's budget, whether because of home construction or not. They are particularly concerned about the dozen or so huge fires that hit the West each year. The ten largest conflagrations in 2015 cost \$329 million to fight, Tidwell said.

The budget solution, he said, is to move emergency spending out of line appropriations and into a separate category of disaster spending. Western Republican and Democratic senators and House members have teamed up to introduce legislation (HR 167, S 235) to do just that.

Tidwell said of the huge fires, "That equals one percent of our fires. So we'll continue to suppress 99 percent of fires within our budget. But that one percent we feel we should be looking at these catastrophic fires really as a natural disaster and it should be funded out of a disaster relief fund."

Legislators from both political parties endorsed the disaster-funding idea last week at House and Senate hearings on the administration's fiscal year 2016 budget request.

Said the Democrat Cantwell at the Senate committee hearing, "This strategy would provide increased certainty in addressing growing needs for fire suppression funding while better protecting non-suppression programs from funding transfers that diminish their effectiveness. Moreover, it would allow us to stabilize our investments in restoring forested landscapes, helping forests adapt to the growing effects of climate change, and preparing communities in the wildland/urban interface for future wildfires."

Said Republican Rep. Mike Simpson (Idaho), chief sponsor of the House bill

(HR 167) to transfer catastrophic fire funding to the disaster fund, "Until we address this issue, anything we do to increase needed management activities in the forests, like hazardous fuels removal, timber harvest, conservation, or trail maintenance, will continue to be decimated during wildfire season. Fixing the wildfire budget is the critical first step in making our forests healthier and, ultimately, reducing the cost of wildfires in the future."

Simpson offered the comments during a February 25 House subcommittee on Interior appropriations hearing on the fiscal year 2016 Obama administration Interior Department budget. He is the lead sponsor of the House bill (HR 167) that would authorize the use of disaster money to pay for fire suppression.

But in the last Congress House Republicans rejected the administration/Simpson proposal for fear appropriators would lose control of fire money.

And Senate Energy Committee Chairman Lisa Murkowski (R-Alaska) did not sound like she was all in at the February 26 Senate Energy Committee hearing, although she was somewhat sympathetic.

"But the Forest Service's budget request does not include any significant cost containment measures or funding increases for prevention activities that would reduce wildfire risks and bring down suppression costs over time, including flat funding for the hazardous fuels reduction program," she said.

Murkowski concluded, "This budget request proposes a wildfire suppression gap adjustment. I share that goal and welcome a dialogue moving forward to permanently fix this problem, but any eventual solution must be fiscally responsible."

Sen. Ron Wyden (D-Ore.) is the lead sponsor of the Senate bill (S 235) that is the counterpart of the Simpson bill.

Three western Republican senators February 12 introduced different fire budget legislation (S 508) that would

also authorize the transfer of emergency fire-fighting costs out of appropriations bills, but S 508 differs from S 235 by linking the spending to timber harvests.

That is, the all-Republican bill would direct the Forest Service to "mechanically treat" 7.5 million acres of forest to reduce the chances of fire. The treatment would include timber sales. Sens. John McCain (R-Ariz.), John Barrasso (R-Wyo.) and Jeff Flake (R-Ariz.) introduced the bill.

Notes

Feds seek help on more access.

Land management agencies are asking anyone who is interested to lend a hand in developing tools to improve access to federal lands. To that end the Interior Department and the Department of Agriculture said March 6 they will host a summit April 11 and 12 to consult with other federal agencies, private industry, academics and entrepreneurs. Said Secretary of the Interior Sally Jewell, "Engaging entrepreneurs and enthusiasts to help transform disparate sources of information on public lands into useful, user-friendly formats will inspire visitors to explore our public lands and resources, while boosting tourism, outdoor recreation, jobs and economic activity in local communities." The initiative is called *my America* and the meeting is called *my America Developer Summit*. Said Secretary of Agriculture Tom Vilsack, "Our goals for this summit are to improve access to federal recreation information." The website is at <http://openglobe.github.io/myamerica-devsummit/>.

Latino, environment link sought.

Eight Democrats on the House Natural Resources Committee held a roundtable last month to help bring Latinos into the environmental movement. Led by ranking committee Democrat Raúl M. Grijalva (D-Ariz.), the Democrats say they are trying to broaden the environmental coalition by enlisting Latinos in conservation campaigns, such as for the Land and Water Conservation Fund. "Expanding the environmental coalition and including communities of interest in decision-making are priorities not just for me

and my colleagues, but for millions of Americans who have felt unheard and left out for too long," Grijalva said. "It's time for everyone, on and off Capitol Hill, to work closely together on issues that impact us all." Representatives of a half-dozen national Latino organizations attended, included Brent Wilkes, executive director of the League of United Latin American Citizens.

Forest rec importance stressed.

Forest Service Chief Tom Tidwell and Sen. Maria Cantwell (D-Ore.) last month both promoted the value of recreation as an economic engine in the National Forest System. But the hostess of a Senate Energy Committee hearing, chairman Lisa Murkowski (R-Alaska), said recreation should be balanced with resource development on federal lands. Said Tidwell at the February 26 hearing, "Spending by visitors engaging in recreation activities, including skiing, hiking, hunting, and fishing, supports more jobs and economic output than any other activities on the National Forest System. In 2012, outdoor recreation on the National Forest System supported around 190,000 jobs and contributed about \$13 billion to the Nation's gross domestic product." Said Cantwell, after repeating Tidwell's numbers, "Revitalizing and expanding recreation on our National Forests is an initiative that senators on both sides of the aisle can get behind." Murkowski said yes, recreation is great, but. "Often we hear that recreation and tourism are the economic engines of the future, and I see this budget would increase funding for recreation programs," she said. "And I agree. Those activities are important. No State is prouder of its recreation industry than Alaska. But recreation and tourism are not substitutes for responsible resource development on federal lands. They're complements to it."

South Dakota Parks rate well.

South Dakota State Parks is using a new customer survey procedure that gives the agency quick, detailed information on its visitors' likes and dislikes. The procedure, called GuestRated.com, conducts online surveys. South Dakota said it works so well that all 65 state parks use it. "Communication

between our campers and park managers is a big priority for us," said Lynn Spomer, visitor services coordinator for South Dakota State Parks. "We can't fix things that we don't know about. But with these online surveys, if a camper tells us that something needs attention, like a light being broken in a bathroom or a tree limb being down on a trail, our staff can go out and fix it right away. The surveys have given us a rapid response system." South Dakota State Parks is proud that six of its parks received an "A" rating, when GuestRated.com only handed out 34 "A" ratings around the county of 3,400 designations surveyed.

FS police budget faulted.

The Forest Service's fiscal year 2016 budget request proposes a 16 percent reduction in law enforcement personnel, down from 813 full-time equivalent employees in 2015 to 680 in fiscal 2016. At the same time the service projects that the number of law enforcement incidents will decrease from 6.4 per 10,000 visits to the forests to six or fewer. And that, said the Public Employees for Environmental Responsibility (PEER) last month, doesn't make sense. "The Forest Service plan is premised not on less crime actually occurring on our national forests but on having fewer cops who can respond," said PEER Executive Director Jeff Ruch, noting that visitation in national forests remains on the upswing. "In today's Forest Service, protecting visitors and forest assets is officially a dispensable value - a diminishing priority in the face of a growing need." Despite the proposed reduction in force the budget recommends virtually the same appropriation for law enforcement in fiscal 2016, just over \$126 million.

FWS distributes wildlife grants.

The Fish and Wildlife Service paid out more than \$45 million last week to states from a state wildlife grant program. The money is to be used to conserve wildlife on large landscapes. The money is allocated through a formula in the law. Congress appropriated a total of \$58 million for the program in fiscal year 2016, with an additional \$5.5 million set aside for competitive state grants and \$4 million for Indian tribes. In fiscal 2016 the administration has

recommended a total of \$70 million for the program. Alaska, California and Texas are tied for the largest fiscal 2015 payments of \$2,299,199.

OHVs worry about BLM Vegas plan.

The BlueRibbon Coalition rang the alarm March 4 about a draft plan affecting off-highway vehicle use (OHV) in the Las Vegas Field Office of the Bureau of Land Management (BLM). The coalition, which represents powered recreationists, said the draft 2,255-page plan (yes 2,255 pages) of Sept. 12, 2014, might bar the use of OHVs in dry washes. The draft does say in a number of places that when completed the plan would restrict travel to "designated roads, primitive roads and trails." Adam M. Bosch, president of MGI/Mid America Underground, LLC, said, "The high risk currently threatening motorized recreation in Southern Nevada should be a clarion call to action for all of us who enjoy OHV recreation on public lands." BLM concluded a comment period on the draft plan March 9. The draft plan is available at <http://tinyurl.com/qzvaht7>.

Boxscore of legislation

Appropriations Fiscal 2016

No bill yet. Administration submitted request February 2. Budget recommends substantial programmatic increases, full funding for LWCF, \$826 million for NPS Centennial, FLREA extension.

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.

Omnibus public lands bill 2014

HR 3979 (McKeon). President signed into law Dec. 19, 2014, as PL 113-291. Includes 96 bills including measures to designate several new and expanded national parks, including a Manhattan Project National Park, a Delaware National Park; revises Forest Service cabin fees, protects the Rocky Mountain Front, designates more than 200,000 acres of wilderness, and much more.

Land and Water Conservation Fund

S 338 (Burr). Burr introduced February

2. Would guarantee \$900 million per year to program in perpetuity.

Urban park fund

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

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. Amodei would require Congressional approval of any national monument in Nevada.

Wetlands regulations

HR 594 (Gosar). Gosar introduced January 28. Would forbid completion by EA of regulations expanding kinds of water bodies requiring wetlands protection permit. 141 cosponsors.

Surface transportation

HR 680 (Blumenauer). Blumenauer introduced February 3. Would increase the gasoline tax to help pay for surface transportation programs.

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.