

# Federal Parks & Recreation

Editor: James B. Coffin

Subscription Services: Gerrie Castaldo

Volume 31 Number 10, May 17, 2013

In this issue. . .

**FS rec partnerships are moving.**

*Concessioners present proposed pilot activities to USDA as part of ambitious plan to upgrade rec. Rec users quite suspicious.. Page 1*

**Farm bills begin to move again.**

*Senate and House committees dig in. Conservation somewhat protected. Politics problem... Page 3*

**Jewell says sequestration hurts.**

*At inaugural Hill hearing she says services will be reduced on fed lands. GOP skeptical... Page 4*

**California may opt out of RTP.**

*Budget recommendation would shift money to urban programs. RTP advocates petition state.... Page 6*

**Sandy money being distributed.**

*As expected DoI says New York and New Jersey will receive most. Mitigation money to come.... Page 7*

**Grijalva proposes rec commission.**

*With six Hill and five White House members. Third commission.. Page 8*

**Rec permittees criticize feds.**

*Fault slow permitting and area closures. Seek new FLREA... Page 9*

**Hill panels endorse Hatteras ORVs.**

*Committees give bills to reopen areas closed by NPS a jump.. Page 11*

**Nevada Assembly seeks fed lands.**

*Bill would start process, like Utah. Senate hasn't acted.. Page 12*

**Notes..... Page 13**

**Boxscore of Legislation..... Page 15**

## **FS and concessioner rec partnerships edge forward**

An ambitious proposal to partner the Forest Service and private concessioners to modernize and upgrade rec opportunities in the national forests took a big step forward May 7.

The service, concessioners and Obama administration met to plot the next phases toward launching pilot projects in eight discrete areas, including the makeover of marinas and resorts and expansion of recreation centers.

The next two steps to be taken by the Forest Service and the administration are somewhat legalistic but crucial, said American Recreation Coalition (ARC) President Derrick Crandall. One step consists of new authority to transfer campground and other permits upon sale of a business; under existing law permits are cancelled on sale, except for ski resorts.

The other step would extend the pilot programs to 20 years from the five years the Forest Service had been contemplating.

"We think we can work that out within the next 30-to-60 days," said the ever-optimistic Crandall.

Acknowledging the budget squeeze imposed on the service by the sequestration law, Crandall said private companies are willing to pick up the slack. "We would provide support and services on the proposed projects, from preparing environmental assessments to permit processing," he said.

The Forest Service says it is studying the industry proposal but in general supports the concept. "We have had the report for a short time

and have not been able to review it in its entirety," said a spokesman. "The Forest Service is committed to furthering access to National Forest System lands through partnerships, and we look forward to finding new ways to work with partners to improve access to our public lands."

There is pushback from recreation users as represented by the Western Slope No-Fee Coalition. The coalition views the program as an attempt by private companies to operate national forest campgrounds, marinas and other recreation areas. Once those companies took over, said Kitty Benzar, president of the coalition, they would increase fees substantially to visitors.

Benzar is also dogging the Forest Service every step of the process. She has obtained a massive pile of internal agency documents related to the program via Freedom of Information requests.

"The whole enterprise stinks of cronyism, conflict of interest, and undue influence by special interests over public policy," she said. "I will be watching with interest to see who is selected to take over from (former Department of Agriculture Under Secretary) Harris Sherman, and whether that person acts to bring the public into the picture and shine some sunlight on the process or continues to act as an extension of the ARC." Sherman left office May 8.

As an example of special interest influence Benzar offered this: "The FS expresses concern about having the legal authority to pursue Derrick's proposal? He mobilizes his own committee of concessionaires, headed by the attorney for the (National Forest Recreation Association), Kevin Garden, to do the analysis for them, and guess what? The committee decides they have plenty of authority, surprise."

For now the Forest Service and the Obama administration appear willing to at least explore opportunities to use private money to supplement a starving Forest Service recreation program. The Obama administration proposed a significant \$20 million reduction for

the program in fiscal year 2014 compared to fiscal 2012, dropping it from \$281.6 million to \$261 million. That comes on top of a five percent cut in the last seven months of fiscal 2013 due to the budget sequestration.

Attending the May 7 meeting on the government side were Sherman; Robert Bonnie, senior advisor to the Secretary of Agriculture; Meryl Harrell, senior advisor to the Under Secretary of Agriculture; Patrick Holmes, special assistant to the Under Secretary of Agriculture; Joe Meade, director of recreation, Forest Service; and Robin Morgan, acting director of recreation before Meade's appointment, Forest Service.

Attending on the industry side were Margaret Bailey, senior vice president of CHM; Kevin Garden of the Garden Law Firm; and Crandall.

Industry described eight areas in which they would like to execute pilots: one, fully utilize and update partnership authorities; two, makeover campgrounds; three, authorize in-season storage of RVs; four, authorize in-season storage of boats; five, increase cooperation with destination marketing organizations near national forests; six, makeover marinas and resorts; seven, improve national forest recreation centers; and eight, increase the use of youth and veterans corps and seniors.

The final report the concessioners submitted to the Forest Service May 7 describes an ambitious redo of the entire Forest Service recreation program.

Of major new rec centers it says, "A new network of national forest recreation centers anchored by ski areas, campgrounds and marinas can provide the support for fun forest adventures by non-traditional visitors, offering more experiences with traditional lures like wildlife and active fun, but relying less on current skills and owned equipment. For example, campgrounds with cabins and yurts and alternative overnight lodging, and visitor centers with rental mountain

bikes and canoes and photo-skills seminars can be effective outreach strategies - encouraging visitation and thereby boosting the economic contributions of forests to local economies."

Of campgrounds and marinas specifically the report says, "(I) nvestments are needed for the national forests to provide world-class recreation opportunities that connect Americans and visitors with the land and our nation. Campgrounds and marinas are prime targets and, in many cases, can become national forest recreation centers that successfully expand access to diverse recreation opportunities in and near national forests."

### **Farm Bills in play again, but same political situation**

The Senate Agriculture Committee May 14 approved a five-year Farm Bill and the House Agriculture Committee followed suit the next day by approving a counterpart measure. Both closely resemble bills that failed in the last Congress.

The bills passed by the committees generally follow the example of last year's measures, i.e. they would reduce funding overall, would reduce funding for conservation programs specifically and would consolidate programs.

Included in both bills are provisions to keep alive a Conservation Reserve Program, a consolidated conservation easement program and an Open Fields program.

The House and Senate have until October 1 to complete the legislation because they approved an extension of the existing law in a short-term budget bill (PL 112-240 of January 2) through that date. Congress may of course simply extend the old law again if they can't agree on a five-year bill.

And there is a good chance they won't agree. Last year the House Agriculture Committee approved a multi-year bill on July 12, 2012, but House leaders were unable to muster enough

votes to pass it on the House floor. Conservatives complained of excessive spending and liberals complained of cuts in food aid for the poor.

The full Senate approved its multi-year bill last year on June 21, 2012. This year Senate Democratic leaders intend to bring a Farm Bill to the floor this month before Memorial Day. Given last year's record that should be no problem.

The House situation is muddier. Republican leaders reportedly are shooting for House passage by July 4<sup>th</sup>, but the objections that blocked a bill last year are still in place.

The 1,102-page Senate committee bill (S 954) drafted by Senate Agriculture Committee Chair Debbie Stabenow (D-Mich.) is more generous than the 576-page House committee bill (HR 1947) drafted by House Agriculture Committee Chairman Frank Lucas (R-Okla.)

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

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

Both House and Senate committees would combine agricultural and wetlands easements into one Agriculture Conservation Easement Program. The Senate committee went one step further and adopted an amendment from Sen. Michael Bennet (D-Colo.) that would make it easier to make significant conservation easements.

Said a statement from Bennet's office, "The amendment would waive the non-federal cost-match requirements (50 percent) for conservation easements of 'special significance,' such as to

protect critical wildlife habitat or historically important agricultural land. Currently, land owners can contribute no more than 25 percent of the cost share with the other 25 percent coming from land trusts."

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

Conservationists praised the Senate committee action. "Today, the Senate Agriculture Committee, conservationists, and our colleagues in the agricultural community collectively mapped the path to advance protections for wildlife habitats on working lands, while addressing the needs of those who work the land," said National Wildlife Federation President Larry Schweiger.

### **Jewell tells senators sequestration hurts rec**

In her inaugural Congressional hearing May 7 rookie Secretary of Interior Sally Jewell said repeatedly that the \$85 billion fiscal year 2013 budget sequestration is reducing services for recreational visitors to the public lands.

But at least one Republican senator on the Senate subcommittee on Interior Appropriations, Sen. Mike Johanns (R-Neb.), said Jewell's testimony had "an aura of the ski is falling."

Jewell, who just took office April 15, made her pitch to the subcommittee at a hearing on the fiscal year 2014 Obama administration budget request for the Interior Department.

"It is just very, very difficult for us to carry out the mission in a way that is expected," she said of the fiscal 2013 sequestration situation. "A

couple of examples, our public lands in all of your states that have welcomed 435 million visitors each year, they are going to see a reduction in services, programs. Some of the parks won't be open to the extent we would like them to be because we have to protect the people, we have to protect the resources."

But Johanns said that he had it worse in 2001 after 911 when he was governor of Nebraska and in 2005 when he was Secretary of Agriculture. "For example post 911 you just had to deal with it," he told Jewell. "When I came here in 2005 (as secretary of Agriculture) somebody told me you get somewhere in the neighborhood of a five percent cut and the best we could hope for was a flat budget, I thought 'Hallelujah'."

He added, "Now this is a breeze after what we had been though post-911 at the state level that didn't seem to be too big a challenge. And yet I hear secretary Hayes, I hear you and other cabinet members talking about how dire this situation is." Hayes is deputy secretary of Interior David Hayes.

When Johanns asked if Jewell could better accommodate the five percent fiscal 2013 sequestration if it were not across-the-board but gave agencies flexibility to cut where they would, she jumped on the suggestion.

"Absolutely, we would find that helpful," she said. "In 35 years as a private business person I have dealt with tough budget years. I have never, ever implemented those on a line-item-by-line-item basis. And so when you see the comments that come from me and from others about the sequester it is the nature in which these cuts have been required of us. The 2014 budget reflects we have cut some areas and invested in other areas."

At the hearing Jewell did not back off her long advocacy of preserving public lands for conservation, in line with her record as CEO of the recreation giant REI since 2000.

She endorsed an Obama

administration budget recommendation that Congress guarantee \$900 million per year for the Land and Water Conservation Fund. The proposed legislation "fulfills really a 50-year promise to take offshore oil and gas revenues and use them to mitigate impacts by putting the money into conservation programs onshore," she said.

Jewell vigorously defended the administration proposal to not only increase appropriations for federal land acquisition in fiscal 2014 (to \$356 million from \$186.7 million in fiscal 2012) but to ask Congress to guarantee the \$900 million per year beginning in fiscal 2015.

For federal land management agencies the fiscal 2014 budget roughly proposes flat spending. Park Service operations would receive a \$48 million increase compared to fiscal 2012 to \$2.285 billion. Fiscal 2012 was the last fiscal year when Congress provided detailed spending levels.

For management of the National Fish and Wildlife Refuge System the administration would increase spending compared to fiscal 2012 by \$13.5 million to \$499.2 million. For recreation management in the Bureau of Land Management the budget would provide a \$3 million hike over fiscal 2012 to \$70.5 million. But recreation management in the Forest Service would decrease by \$22 million, down to \$261 million.

**Heritage area spat:** National heritage areas were also hit in the budget request. The administration would reduce partnership grants by \$8.4 million, from \$16.5 million in fiscal 2012 to \$8 million in fiscal 2014.

However, Senate subcommittee chair Jack Reed (D-R.I.) gave every indication he will attempt to restore the money. "The whole budget contains significant increases for the National Park Service; however, our concern is the budget again proposes to cut spending in half for national heritage areas, such as the Blackstone River Valley National Heritage Corridor in Rhode Island," he said.

Jewell defended the cuts. "I fully support heritage areas but it was a difficult decision to scale back the funding for heritage areas to focus on those that are relatively new that need to get a boost to get themselves established," she said. "One of the benefits of heritage areas is they have community support." In other words the established areas can survive with community support and don't need appropriations as much as new areas.

The federal budget process called for submittal of the administration request on the first Monday in February. But because the fiscal 2013 appropriations law was late (it was only signed March 26) and because of a separate sequestration law that chopped \$85 billion from appropriations, the fiscal 2014 budget was held up until April 10.

For all the sound and fury the administration's budget may not matter in the end. That's because House Republicans will deem the request dead on arrival and will recommend billions of dollars less for an Interior Department and Related Agencies appropriations bill. Reed and his fellow Senate Democrats in turn will largely meet the administration request.

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

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

\* UPAR: Request, \$15 million.

Fiscal 2012, nothing. House committee, nothing.

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

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

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

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

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

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

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

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

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

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

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

## **California may drop RTP; activists petition state**

Recreation groups are fighting back against a California state government proposal to opt out of a federal Recreational Trails Program (RTP). The state would then divert the recreation-related transportation money to a broad

program to benefit urban areas.

The recreationists, as represented by the Coalition for Recreational Trails, announced May 9 that member groups have fired off a letter to Gov. Jerry Brown (D) objecting to the proposed diversion from RTP because the provision is financed by gasoline taxes paid by trail users.

"RTP is not just another funding program," the recreationists told Brown. "RTP is a user-pay/user-benefit program that derives its funding from the Federal gas taxes paid by off-highway recreation vehicle owners. The RTP receives only a small portion - \$5.7 million - of the Federal recreation fuel taxes paid annually by California residents, which amount to almost \$22 million."

In a tricky compromise Congress in writing a two-year surface transportation law last year lumped RTP into a broad conservation/recreation line item called transportation alternatives. It appropriated \$760 million per year for a group of recreation programs in the line item, including RTP. At the same time Congress in the law, Moving Ahead for Progress in the 21st Century (MAP-21), set aside \$85 million per year for RTP.

Further complicating things MAP-21 (PL 112-141 of July 6, 2012) authorized states to opt out of RTP and transfer the unused money to other transportation alternative programs. In fiscal year 2013 only Florida and Kansas opted out.

But California is a much bigger state with its \$5.7 million share of RTP money.

Signing the letter to Brown were more than 100 entities ranging from conservation groups such as American Trails to off-road vehicle users such as the BlueRibbon Coalition to 15 cities, including Beverly Hills of all places. The RTP activists said that the Brown administration's fiscal 2013-2014 budget proposes to opt out of RTP and asked the governor to reconsider.

"We further understand that

this initiative has been undertaken to accomplish a number of worthy transportation-related goals, including streamlining program operations, improving public health, safety and mobility, and protecting the environment," the groups said. "Without detracting from these goals, as representatives of hundreds of thousands of Californians who enjoy trail-based recreation, we respectfully request that the RTP not be included in the new consolidated Active Transportation Program."

The coalition advised its members, "The first step is to make sure that the Governor understands the breadth and scope of support for RTP. We believe he will be much less likely to opt out of the program if thousands of RTP supporters urge him not to."

The coalition continued, "Please relay that RTP funded projects have facilitated healthy outdoor recreation for California's residents and visitors and have also supported associated, badly needed economic activity in communities across the State. It is critical to retain the RTP as a discrete program, with its own defined user-paid funding."

More information is available at the American Trails website, <http://www.americantrails.org/NewsAction/index.html>.

## **Interior spending most Sandy recovery money in N.Y., N.J.**

As expected, New York and New Jersey will receive the lion's share of the Park Service's Hurricane Sandy recovery money, Secretary of Interior Sally Jewell announced May 7.

National parks in the two states will receive \$313 million in immediate recovery money from an emergency appropriations bill (PL 113-2 of January 29), another \$32 million in state-administered grant money from the Historic Preservation Fund, and a yet-to-be-determined allocation from a \$360 million Interior Department-wide mitigation account.

At a hearing of the Senate Appropriations subcommittee on Interior and Related Agencies May 7 Jewell said, "Later on today we will be putting out a press release - \$475 million will be released for the Hurricane Sandy relief efforts. Mr. Chairman (Sen. Jack Reed, D-R.I.), \$1.5 million is for refugees in Rhode Island. We open the Statue of Liberty for the Fourth of July and other programs will be identified in that press release. (The money) will repair the damage and also create more resilience for the future as we have additional storm events."

For now Interior is just releasing the recovery and historic preservation money. The department is still developing a detailed plan for spending the \$360 million in mitigation money, Assistant Secretary of Interior for Policy Rhea Suh told the subcommittee.

"We are working with our partners in the federal government as well as our partners outside of the federal government to come up with a strategic plan to insure that those funds are spent as wisely as possible," Suh said, without revealing a schedule.

In the emergency appropriations bill Congress put up for immediate recovery \$348 million for the Park Service, \$68.2 million for the Fish and Wildlife Service, \$50 million for state historic preservation grants, \$4.4 million for the Forest Service and \$4.281 billion for the Corps of Engineers for construction, operations and maintenance. It appropriated another \$360 million for Interior Department mitigation with the department to determine allocations among all agencies sometime in the future,

Sequestration note: Because of the budget sequestration all numbers in this article must be reduced by five percent. For instance the Sandy appropriations law appropriated \$348 million for NPS recovery, but after sequestration the Park Service will receive \$329.8 million.

The Interior Department published its recovery plan May 7 at, <http://>

[www.doi.gov/news/pressreleases/upload/2013\\_05\\_06-Hurricane-Sandy-Plan-Sm.pdf](http://www.doi.gov/news/pressreleases/upload/2013_05_06-Hurricane-Sandy-Plan-Sm.pdf).

Of Park Service recovery the department plan says, "The first priority of the NPS is to gain operation of facilities and infrastructure and ensure that the parks will support visitation and to restore visitor services and open parks to visitors. Where possible, NPS will pursue temporary solutions that hasten the return of visitors to parks. However, the NPS will seek permanent, sustainable solutions that will allow park resources to withstand future natural disasters."

Gateway National Recreation Area and the Statue of Liberty in New York will receive money for the most projects. The plan says Gateway sustained more than \$150 million in damages and Statue of Liberty and Ellis Island more than \$60 million.

Of Fish and Wildlife Service (FWS) recovery the department plan says, "The FWS's implementation strategy focuses on repairs and restoration where Sandy's effects were felt most. The projects include debris field cleanup, rebuilding roads, trails, boardwalks, viewing platforms, and other public access facilities, and restoring important habitats that benefit communities as well as wildlife."

Interior said the largest pots of FWS money will go to an E.B. Forsythe National Wildlife Refuge project in New Jersey, \$20.15 million, and a Prime Hook Refuge project in Delaware, \$20 million.

The Historic Preservation Fund will allocate from PL 113-2 \$5 million to Connecticut, \$16 million each to New Jersey and New York, \$3 million to Rhode Island, and \$10 million to eight other states and the District of Columbia.

The Interior Department plan calls for the \$360 million in mitigation money to be allocated in two stages. The department has not decided yet how much each agency will receive. In a first scoping phase the department has set aside \$30.5 million and for a main project phase, \$311 million.

Says the plan, "Mitigation funds will be allocated in an initial phase for projects focused on developing the data and capacity for investments in improved coastal habitat resiliency and capacity. While work is underway on the first tranche of projects, initial planning will be conducted, guiding the development of a leveraged strategy for coastal resiliency and capacity that incorporate partners, leveraging of Federal investments, and a competitive process to ensure the highest priority projects are completed."

Suh told the Senate subcommittee essentially the same thing. "With respect to the mitigation we are working very hard to come up with the best strategy," she said. "We are working with our partners in the federal government as well as our partners outside of the federal government to come up with a strategic plan to insure that those funds are spent as wisely as possible."

Again, the numbers in this article do not include reductions for sequestration. To calculate each final allocation take five percent off the top.

And PL 113-2 forbids use of any Hurricane Sandy money for land acquisition, per a House amendment offered by Rep. Rob Bishop (R-Utah.) The amendment applies only to the Interior Department and the Forest Service. Bishop said land acquisition is superfluous to an emergency money bill.

## **Grijalva proposes third outdoor recreation commission**

It's been 25 years since the last national recreation commission submitted its recommendations to the world, so Rep. Raúl Grijalva (D-Ariz.) last week introduced legislation (HR 1834) to establish a new commission.

This 11-member 21st Century Great Outdoors Commission would be appointed by Congress (six members) and the President (five members, with no more than two from the President's political party).

The bill would charge the commission with making recommendations to Congress within 18 months on the full sweep of outdoor activities including "economic development, energy development, recreation, historic preservation, and conservation."

Grijalva, ranking Democrat on the House subcommittee on Public Lands and Environmental Regulation, did not make a formal announcement on introduction of his bill. There are no cosponsors.

Grijalva's office did provide us with a statement that said in part, "The Commission would conduct detailed case studies associated with outdoor recreation in every region of the United States to better understand opportunities and challenges in urban, suburban, and rural areas. The Commission would also evaluate the roles that the Federal Government plays in preserving and enhancing recreational opportunities and associated regional economies vis-à-vis states, localities, and the private sector."

Grijalva is by definition an advocate of recreation and conservation. He was a leading candidate for Secretary of Interior both in 2009 (former Sen. Ken Salazar (D-Colo.) got the job) and 2013 (former REI CEO Sally Jewell got the job).

Endorsing the Grijalva bill were the Alaska Wilderness League, Outdoor Industry Association, National Parks Conservation Association, National Wildlife Federation, Trust for Public Land, The Nature Conservancy, and Outdoor Alliance.

Those groups would almost certainly recommend that a commission endorse guaranteed full funding for the Land and Water Conservation Fund (LWCF) of \$900 million or more per year. The full funding recommendation is a central plank of the Obama administration's fiscal year 2014 conservation budget.

Grijalva's recreation commission bill would authorize the Speaker of the House to appoint two members, the House minority leader to appoint one, the Senate majority leader to appoint two,

the Senate minority leader to appoint one and the President to appoint five, again with only two from his political party.

It's not that outdoor recreation has been ignored over the last 60 years. In 1958 the Outdoor Recreation Resources Review Commission submitted a report that led to the LWCF Act (but without guaranteed money), the Wilderness Act, the Wild and Scenic Rivers Act, and the National Trails Act.

In 1987 the President's Commission on Americans Outdoors recommended a broad sweep of outdoor recreation initiatives, including guaranteed funding for LWCF. However, the commission ran into trouble because it violated the Federal Advisory Commission Act by holding private sessions.

However, major bits and pieces of the commission's work were implemented through administrative actions and single-purpose bills.

In 2009 a bipartisan Outdoor Resources Review Group, staffed by Resources for the Future, submitted a report on the State of the Great Outdoors, again endorsing full funding for LWCF. Sens. Lamar Alexander (R-Tenn.) and Jeff Bingaman (D-N.M.) served as honorary cochairs. Alexander chaired the 1987 commission as well.

Finally, the Obama Administration's signature initiative called America's Great Outdoors, published Feb. 16, 2011, laid out a broad conservation strategy, which the administration is still trying to implement. The initiative recommended an all-of-the-above approach to outdoor policy, beginning with full funding for LWCF.

## **Recreation permittees flay fed managers, ask new FLREA**

A House subcommittee last week heard recreation permittees complain about slow federal land management agency permitting and the closure of public lands to recreation uses.

The permittees asked for specific reforms, both from Congress and from the Park Service, the Forest Service and the Bureau of Land Management (BLM). But for now witnesses at the hearing strongly recommended that Congress reauthorize the law that governs permitting, the Federal Lands Recreation Enhancement Act (FLREA). It is scheduled to expire in 2014.

Without that law in place, said David Brown, executive director of America Outdoor Association, federal land management agencies would not have clear guidance on permitting. "Without reauthorization, the agencies will have to find some other authority but the fees generated by permitted activities will not be retained," he said, referring to the provision of law that allows agencies to retain up to 80 percent of collected fees.

The hearing was held by the House subcommittee on Public Lands and Environmental Regulation, chaired by Rep. Rob Bishop (R-Utah). He focused more on federal land managers than on the need for legislation.

"Increased fees, bureaucracy, restrictions, regulation, and processing time are driving up the costs of running private business on public lands making profitable operation difficult, putting many out of business, and threatening the continuation of the services that make visitor access possible and affordable for families," he said. "Unless there is a change in direction, a generation of Americans could lose the opportunity to participate in outdoor adventure and thousands of local jobs could be lost."

The National Outdoor Leadership School (NOLS) said Forest Service permitting has been hampered by the agency's implementation of the National Environmental Policy Act (NEPA). Aaron Barron, environmental stewardship and sustainability director for NOLS, objected specifically to the agency's requirement for carrying capacity analyses. He said the analyses were creating a "bureaucratic morass."

Said Barron, "Under the current

permitting policy on National Forests, new or expanded permits can't be issued unless their issuance clearly will not exceed the carrying capacity of the forest. If forests are unsure of the carrying capacity, they must conduct a capacity analysis - a NEPA process. Most forests have either not undertaken a capacity analysis, or have initiated and then halted one, due to lack of resources needed to complete it. New permits do not get issued, and long-standing permittees must pay tens of thousands of dollars to conduct an analysis of modest growth on one permit at a time."

Brown of the America Outdoor Association, which represents outfitters, was not willing to accept sequestration as an excuse for a reduction in services by the Park Service. He began, "Some agencies are diminishing access, which they claim is necessary as a result of budget cuts. More reports surface each day detailing access and campground closures, which seem to be more prevalent within National Parks. These negative reports alone could depress visitation to National Parks this year."

Then he added, "Most businesses in America had to absorb a 5 percent decline in revenues during the latest recession but few cut off services to the public to accommodate the decline. Agencies should look at opportunities to improve their efficiency instead of cutting access and services to the public. Streamlining documentation requirements and reviewing organizational structures for duplicative programs are two strategies that might yield some savings."

Brown also faulted BLM for not being more welcoming to recreation enterprises in the new National Landscape Conservation System (NLCS), established in 2009. "Overnight, the NLCS went from 'working landscapes' to educational preserves," he said. "Recreation and outfitted recreation activities are not an emphasis on NLCS lands unless the congressional designation makes recreation a purpose and management plans specify recreation management areas. We suggest some legislative adjustments to the BLM's

NLCS authorizing language to give recreation a higher status."

But FLREA is the underpinning of the public lands recreational permitting systems. The Federal Lands Recreation Enhancement Act of 2004 expires on October 1, 2014. In addition to authorizing recreational permits the law governs entrance and user fees. The Park Service alone brings in between \$150 million and \$160 million per year from the fees.

At a separate April 12 hearing of the House Appropriations subcommittee on Interior and Related Agencies panel chairman Mike Simpson (R-Idaho) and NPS Director Jon Jarvis endorsed a renewal of the old law.

## **Bills to boost ORV use in Hatteras stubs toe in Senate**

House and Senate committees made clear this week that legislation (HR 819, S 486) to reverse a Park Service plan that reduced beach access to off-road vehicles (ORVs) in the Cape Hatteras National Seashore Recreational Area will not have it easy.

The House Natural Resources Committee May 15 approved its bill (HR 819) by a relatively narrow 24-17 vote largely on party lines.

An even greater hurdle was thrown up May 16 when Senate Energy Committee Chairman Ron Wyden (D-Ore.) pulled a Senate counterpart bill (S 486) from the committee agenda. He said he did so in part at the request of NPS Director Jon Jarvis.

"Almost overnight the Hatteras bill has become a bit more controversial," said Wyden. "The director of the National Park Service wrote me late yesterday to say the Park Service strongly opposes the bill."

"This legislation would overturn a management plan the Park Service has crafted to provide motor vehicle access to beaches on Cape Hatteras while fulfilling the Park Service's obligation to protect pedestrians, park resources

and wildlife including shore birds and the sea turtle," he added.

But, said Wyden, "Off-road vehicle users and local merchants on the other hand think the current management plan as too restrictive and has engendered strong feeling on both sides."

Wyden then promised action a month for now when the committee holds its next business meeting. "I would like to publicly commit to the N.C. senators that I intend to work with all of them between now and our scheduled June markup to find a reasonable solution to the dispute."

Ranking committee Republican Sen. Lisa Murkowski (Alaska) went along with the delay, but said she would vote for the bill.

The legislation stands a good chance of passage in the Republican House but may face rougher going in the Democratic Senate. However, one key Senate Democrat, Joe Manchin (W.Va.) is very much on the side of the ORV users, as is North Carolina Democratic Sen. Kay Hagan.

Even if the House and Senate pass a bill, the measure faces still another obstacle: The Obama administration is dead-set against the legislation and fully behind the Park Service policy. National Park Service Deputy Director for Operations Peggy O'Dell told the Senate subcommittee on National Parks April 23 that the plan is working.

"The interim plan (that the bill would reinstate) would not do harm in the short-term but in the long-term it would do harm," she said when pressed by Manchin. "That would be like killing the golden goose, if the park no longer had the wildlife values that people go there to see."

Rep. Walter Jones (R-N.C.) introduced the House bill that the House Natural Resources Committee passed May 15. Sen. Richard Burr (R-N.C.) is the lead sponsor of the Senate bill.

At issue is a final Park Service rule of Jan. 23, 2012, that governs

ORV use in the seashore. The Obama administration published the rule after four years of debate about a Bush administration strategy of June 2007 that kept most of the seashore open to ORVs.

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

## **Nevada Assembly legislation revives Sagebrush Rebellion**

The Nevada State Assembly last month joined the states rights battle by passing legislation to initiate a process for transferring federal lands in Nevada to the state.

The Assembly bill (AB 227) does not immediately claim all federal public lands for the state. But it would lead to the establishment of a task force that would prepare a report by Sept. 1, 2014, on how to transfer control of public lands.

The Nevada Assembly on April 23 approved the bill by a vote of 23-18 and sent it to the state Senate, where it has been sitting since. At press time the Senate still had not begun to consider the Assembly bill.

One of the sponsors, Assemblyman James Oscarson (R), said the bill revives the Sagebrush Rebellion of the 1970s when western states attempted to gain control of federal public lands. "It's with good reason that the Sagebrush Rebellion began in Nevada," said Oscarson, "and it's important that Nevada continue to lead in the effort to return federal lands to the states."

The bill would establish a Nevada Land Management Implementation Committee made up of one representative from each of the 17 counties in the state. The committee would identify lands to be transferred, a plan for managing the lands, and an economic analysis. The legislation assumes the federal lands would be transferred to Nevada by June 30, 2015.

To be enacted the Nevada State

Senate must still pass the bill and Gov. Brian Sandoval (R) must sign it.

Separately, Utah Gov. Gary Herbert (R) signed legislation March 23, 2012, that requires the federal government to turn all 28 million acres of federal lands in Utah over to the state.

The Utah law (HB 148) calls for the transfer of all federal lands described broadly in the legislation to Utah by Dec. 31, 2014. That includes national parks, Bureau of Land Management (BLM) lands, national forests, wilderness areas and the Grand Staircase Escalante National Monument.

The Utah law establishes a Constitutional Defense Council and directs it to write legislation to administer the transfer of federal lands. The bill tells the council to determine state interests in "easements; geothermal resources; grazing; mining; recreation; rights of entry; special uses; timber; or other natural resources or other resources."

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.

On a more modest scale in Congress Rep. Mark Amodei (R-Nev.) introduced legislation (HR 1633) April 24 that would accelerate the sale of BLM and Forest Service tracts of 160 acres or less. It would give the agencies 18 months to process a request to acquire the lands.

The bill says eligible tracts must share at least one boundary with private land, be located in an area of fewer than 500 people, be free of prior existing rights claims, contain no special resource, and contain no imperiled species habitat.

Said Amodei, "Why should it take more than 10 years for (BLM or the Forest Service) to transfer the lands they do not need or want to local stakeholders who do? What's needed

is an efficient process that promotes community-directed uses and reasonable economic development." No House member cosponsored the bill. No counterpart Senate bill has been introduced.

On a still more modest level Sen. Martin Heinrich (D-N.M.) has introduced legislation (S 368) to reauthorize the Federal Land Transaction Facilitation Act that authorized land sales with the money used for federal land acquisition. The proceeds are to be used for acquisition of federal conservation lands. The Obama administration's fiscal 2014 budget request also asks Congress to reauthorize the law, which expired in 2011.

## Notes

### **Severe fire season forecast.**

Secretary of Agriculture Tom Vilsack and Secretary of Interior Sally Jewell travelled to the National Interagency Fire Center May 13 to warn that a particularly severe fire season is in incubation. In addition, said Vilsack, because of the budget sequestration the Forest Service will have 500 fewer fire fighters and 50 fewer fire engines this summer. Still, Vilsack said federal agencies are gearing up with what they have. "We are working together to reposition our firefighting teams and equipment to make the most effective use of available resources during this time of constrained budgets," he said. Severe fire seasons in recent years have devastated the West, killing citizens and fire fighters alike and raiding federal land management agency budgets. The secretaries highlighted the National Interagency Fire Center's latest prediction for the upcoming season. West of the Rocky Mountains, the report says, "fire season is likely to occur somewhat earlier than normal in most areas due to the effect severe drought has had on fuel dryness early in the season. Worsening conditions in California could accelerate the onset of fire season and the potential for significant fires in May, nearly a month ahead of schedule." The center added, "In the Rocky Mountains and central Plains fire season onset is expected to be near normal." The Forest Service now spends more than \$700 million per

year more for fire fighting than for management of the National Forest System - \$2.4 billion to \$1.6 billion. The National Interagency Fire Center report is available at: [http://www.predictiveservices.nifc.gov/outlooks/monthly\\_seasonal\\_outlook.pdf](http://www.predictiveservices.nifc.gov/outlooks/monthly_seasonal_outlook.pdf).

**House members also back LWCF.** In the last issue of *FPR* we reported on Senate efforts to drum up support for a significant appropriation in fiscal year 2014 for the Land and Water Conservation Fund (LWCF). A similar campaign is alive in the House where at last count 158 members had signed a letter to the House Appropriations subcommittee on Interior and Related Agencies asking for a healthy allocation. Like the senators the House members didn't specify how much money the subcommittee should approve. The lead signatories of the House letter are Reps. Mike Thompson (D-Calif.) and Michael Fitzpatrick (R-Pa.) Twenty-four senators led by Sens. Richard Burr (R-N.C.), Patrick Leahy (D-Vt.) and Jeanne Shaheen (D-N.H.) sent a similar letter to their appropriators. In its request for LWCF in fiscal 2014 the Obama administration asked for \$356 million for federal land acquisition and \$60 million for state grants for the fund from regular appropriations and a new guaranteed fund combined. The money for federal land acquisition would come primarily from regular appropriations, \$234 million, complemented by \$122 million from a new LWCF law. Likewise the money for state grants would come primarily from regular appropriations, \$40 million, combined with \$20 million from a new LWCF law. The House and Senate supporters of LWCF did not mention an administration proposal to guarantee \$900 million per year for LWCF.

### **Senate would add Corps to FLREA.**

The Senate May 15 approved legislation to authorize individual Corps of Engineers facilities to retain entrance and user fees. Sen. John Boozman (R-Ark.) introduced the amendment to a Water Resources Development Act (S 601) that would do that by adding the Corps as an eligible agency under the federal recreation fee law called the Federal Lands Recreation Enhancement Act (FLREA) of 2004. The Senate also

approved the underlying bill May 15. FLREA is up for renewal next year. On May 8 Boozman offered the legislation as an amendment (SA 822) to the WRDA bill. On February 28 Boozman and Sen. Jeff Merkley (D-Ore.) introduced a stand-alone bill (S 400) to authorize the Corps to participate in FLREA. Although the Corps does not have an agency-wide recreation budget, it says it spends some \$275 million per year to operate recreation areas. The Corps hosts 400 million visitors per year, more than the National Park Service or Forest Service. Some 33 percent of all fresh water fishing in the country is done on Corps waters. The Corps manages 12 million acres of public lands and waters. The outlook for the amendment to the WRDA bill is unclear because the House has not begun working on a WRDA bill yet.

**NPCA moves on Wyoming wolves.** The National Parks Conservation Association (NPCA) asked the Park Service May 15 to head off attempts by the State of Wyoming to control of hunting in the John D. Rockefeller, Jr. Memorial Parkway. NPCA says the state, which manages wolves outside of Yellowstone and Grand Teton National Parks, has said it wants to control the wolves, i.e. allow hunting, in the parkway. So NPCA submitted a petition to the Park Service asking it to write a regulation that makes clear the federal agency will be in charge of wolves in the parkway. "Federal law clearly gives the National Park Service, not the state, the primary wildlife management role in the National Park System, such as in the Parkway," said Robert Rosenbaum, an attorney for NPCA from the firm Arnold & Porter LLP. "The Park Service has expressed serious concerns about wolf hunting in the Parkway, but they have the responsibility as guardian of these special places to make sure no such hunt occurs, whether now or in the future. Granting NPCA's petition would provide that assurance." The petition is available at: [http://www.npca.org/assets/pdf/Wolves\\_Rulemaking\\_Petition.pdf](http://www.npca.org/assets/pdf/Wolves_Rulemaking_Petition.pdf).

**Paul introduces wetlands bill.** Sen. Rand Paul (R-Ky.) and three of his fellow Republican senators May 7 introduced legislation to limit federal

wetland impairment permits to navigable waters. The Obama administration and conservationists have advocated a more expansive requirement that would require a Section 404 permit from the Corps of Engineers and EPA for activities in all wetlands, navigable or not. S 890 would do two things. First, it would define a navigable body of water as one that is "navigable-in-fact." Second, the bill would forbid the Obama administration from issuing draft guidance on the matter. The bill says, "The Secretary of the Army, acting through the Chief of Engineers, and the Administrator of the Environmental Protection Agency shall not promulgate any rules or issue any guidance that expands or interprets the definition of navigable waters unless expressly authorized by Congress." Supreme Court rulings have muddied the water as to whether the existing Clean Water Act, as interpreted by EPA and the Corps, limits permitting to navigable waters. According to sportsmen 20 million acres of wetlands and two million miles of streams are at risk.

**Bicyclists laud Washington State.** The League of American Bicyclists May 3 ranked bike friendly states and for the sixth year in a row the State of Washington came in first. Other top-ranked states included Delaware, Colorado and Oregon. The league said it uses five criteria to judge the states: legislation and enforcement; policies and programs; infrastructure and funding; education and encouragement; and evaluation and planning. The worst state was North Dakota, only slightly better than Alabama, New Mexico, Kentucky and North Dakota. Given their harsh weather the Dakotas have an excuse. Surprisingly, Florida continues to rank in the lower tier, even with its year-round biking weather, huge tourism industry and relatively easy terrain.

**SORP to honor rec industry.** An association of recreational professionals said May 13 it will present its highest award to an association of outdoor industry companies. The Society of Recreation Professionals (SORP) said that at its annual meeting May 23 in Traverse City, Mich., it will bestow its National Leadership Award on the Outdoor Industry

Association (OIA). The industry group represents the human-powered recreation industry and has become a national leader in the conservation movement. Most famously, perhaps, OIA commissioned a recent report that said outdoor recreation produces \$646 billion per year in economic activity in the country each year. SORP represents recreation managers at the federal, state and local levels, as well as scholars and companies in the field.

#### **AAPL names Puskar as director.**

The Association of Partners for Public Lands (AAPL) said May 6 that it has selected Dan Puskar, director of partnerships for the National Park Foundation, as its next executive director. Among other things on his résumé Puskar once worked for the Park Service as a ranger at Mesa Verde National Park. He succeeds Donna Asbury, who retired after 13 years on April 30.

#### **Norm Dicks joins law firm.**

The former chairman of the House Appropriations subcommittee on Interior, Norm Dicks (D-Wash.), has joined the Van Ness Feldman law firm as senior policy counsel. The firm says Dicks, also former chairman of the full House Appropriations Committee, will specialize in environmental issues. Dicks was a champion of conservation spending in his years on the appropriations panel. Recently, at a gathering of National Park Service supporters to identify non-appropriated revenues for the agency, Dicks promoted secure funding for the Land and Water Conservation Fund and an extension of the federal entrance fee law. His appointment to Van Ness Feldman suggests Dicks will remain a player in the outdoor policy game.

## **Conference Calendar**

### JUNE

6-8. **International Snowmobile Congress** in Green Bay, Wis. Contact: International Association of Snowmobile Administrators at <http://www.snowiasa.org/>

21-24. **U.S. Conference of Mayors** annual

meeting in Las Vegas, Nev. Contact: U.S. Conference of Mayors, 1620 I St., N.W., Fourth Floor, Washington, DC 20006. (202) 293-7330. <http://www.usmaors.org>.

27-30. **Western Governors' Association** annual meeting in Park City, Utah. Contact: Western Governors' Association, 1515 Cleveland Place, Suite 200, Denver, CO 80202. (303) 623-9378. <http://www.westgov.org>.

### JULY

9-12. **The International Convention of Allied Sportfishing** trade show in Las Vegas, Nev. Contact: American Sportfishing Association, 225 Reinekers Lane, Suite 420, Alexandria, VA 22314. (703) 519-9691. <http://www.asafishing.org>.

18-20. **National Equestrian Trails** conference in Rock Hill, S.C. Contact: Southeastern Equestrian Trails at [www.southeasternequestriantrails.com](http://www.southeasternequestriantrails.com).

19-22. **National Association of Counties Annual** conference in Fort Worth, Texas. Contact: National Association of Counties, 440 First St., N.W., 8th Floor, Washington, DC 20001. (202) 393-6226. FAX (202) 393-2630. <http://www.naco.org>.

31-Aug. 3. **Outdoor Retailer Summer Market 2013** in Salt Lake City, Utah. Contact: Outdoor Industry Association, 4909 Pearl East Circle, Suite 200, Boulder, CO 80301. (303) 444-3353. <http://www.outdoorindustry.org>.

### AUGUST

5-9. **National Speleological Society Convention** in Shippensburg, PA. Contact: National Speleological Society, 2813 Cave Ave., Huntsville, AL 35810-4331. (256) 852-1300. <http://www.caves.org>.

13-15. **Safe Routes to School National Conference** in Sacramento, Calif. Contact: [www.saferoutesconference.org](http://www.saferoutesconference.org).

25-28. **Partners in Flight** (bird protection) conference in Snowbird, Utah. Contact: (802) 865-5202. E-mail: [info@delaneymeetingevent.com](mailto:info@delaneymeetingevent.com). <http://www.pifv.org/>.