

# Federal Parks & Recreation

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In this issue. . .

## **Obama designates N.M. monument.**

*Over objections of Rep. Pearce, he establishes Organ Mountains-Desert Peaks area managed by BLM. Are more in the pipeline?... Page 1*

## **Senate EPW would extend MAP-21.**

*For six years under roughly same conditions as old law. House approps objects to trails... Page 3*

## **WRDA bill almost through Congress.**

*House approves conference measure that authorizes major Everglades projects. Senate is due.... Page 5*

## **Some money bills begin to roll.**

*Ag and Transportation in House. But Interior bill may be late because of fire dispute..... Page 6*

## **Easements extension set back.**

*Relatively noncontroversial tax bill blocked by partisan fight about number of amendments.. Page 7*

## **Utah ATVers enter off-limits area.**

*Ride mile into Recapture Canyon. BLM promises to prosecute... Page 8*

## **Bishop sees Utah bill progress.**

*Eastern Utah Congressmen working on use/protection bill..... Page 9*

## **DoI moves on Navajo coal plant.**

*Begins EIS to consider long-term extension by Grand Canyon... Page 10*

## **Bill would help NPS partners.**

*Nonpartisan measure would grease wheels for nonprofits aid.... Page 11*

**Notes..... Page 12**

**Conference calendar..... Page 14**

## **Obama designates Organ Mountains Monument in N.M.**

Over the objections of the local Congressman, President Obama May 21 established a 500,000-acre acre Organ Mountains-Desert Peaks National Monument in New Mexico.

New Mexico's two senators do endorse the protection of the Bureau of Land Management (BLM) land in Doña Ana County.

Secretary of Interior Sally Jewell at a signing ceremony at the Interior Department said, "The Organ Mountains and surrounding Desert Peaks are steeped in culture, history, wildlife and opportunities to enjoy the great outdoors - from hunting to hiking to gazing at ancient petroglyphs and fossils - and the President's action ensures that these cherished landscapes are celebrated and passed on to the generations of New Mexicans and Americans to come."

Jewell is scheduled to commemorate the designation today (May 23) in New Mexico.

The local House member, Rep. Stevan Pearce (R.N.M.), said the designation interferes with legislation to protect the area. He has introduced a bill (HR 995) that would designate a smaller, 54,800-acre monument. The House subcommittee on Public Lands held a hearing on the Pearce bill on May 9, 2013.

"For years, I have worked to find a collaborative solution to permanently protect the Organ Mountains and promote true economic opportunity for my constituents," Pearce said. "With this land grab,

the President is once again going out of his way to derail any attempt for form a consensus, and do what local people want."

House subcommittee on Public Lands Chairman Rob Bishop (R-Utah) May 19 tried to head off the designation because of concerns about border security. "It's irresponsible to focus efforts on new land designations rather than finding solutions to existing criminal activities plaguing the border," he wrote Obama.

"I am concerned that new federal land designations along the southern border will only add to the ongoing criminal activity already taking place. New and restrictive federal land designations on the border will further hamper the U.S. Border Patrol's ability to conduct routine patrols and apprehensions, allowing drug smuggling and human trafficking to occur on our federal land."

Bishop also said the designation is being made "despite local opposition." However, the New Mexico Wilderness Alliance said 83 percent of local citizens support the designation.

The Organ Mountains surround the Mesilla Valley and provide a backdrop for the state's second largest city, Las Cruces. The area includes thousands of Native American cultural artifacts.

But Rep. Raúl M. Grijalva (D-Ariz.), the ranking member of Bishop's House Subcommittee on Public Lands, said the area was important because it highlighted Hispanic American history in the area.

"The Organ Mountains tell the story of centuries of conflict, boundary disputes and reconciliations with Mexico," Grijalva said. "Many Latino families in the Southwest trace their roots to the region, and its natural beauty continues to draw people today. Designating this sensitive area as a national monument means the Organ Mountains will inspire and be enjoyed by generations of Americans to come, and I couldn't be happier to support President Obama's decision."

The White House designation follows the lead of Sens. Martin Heinrich (D-N.M.) and Tom Udall (D-N.M.) and their legislation (S 1805).

Said Udall, "The Organ Mountains-Desert Peaks National Monument will put the unique and spectacular desert landscapes of Southern New Mexico on recreation maps around the world, attracting tourists to the region, creating jobs and bringing in millions of dollars in tourism revenue."

The administration designated the Organ Peaks Monument under the Antiquities Act of 1906. It authorizes Presidents to establish new national monuments unilaterally from federal lands.

Obama suggested in his announcement that more monuments are in the pipeline. "Whether they're hiking or camping or fishing, visitors to our parks and public lands are not only enjoying the bounty of our natural resources, but also promoting jobs and growth," he said. "And continuing to set aside federal land for outdoor recreation will drive critical revenue for those local communities, and preserve our pristine land for generations to come."

The reputed White House power behind the throne in this monuments campaign is counselor to the president John Podesta. As the chair of the Center for American Progress in recent years Podesta championed the use of the Antiquities Act of 1906 to protect tracts around the country because Congress could not act.

Podesta has been around the White House track before. He served as chief of staff from 1998 to 2001 when President Clinton designated more than 3 million acres as parts of more than 20 monuments.

The National Trust for Historic Preservation said the Antiquities Act works. Citing the Organ Peaks action, Stephanie Meeks, president of the trust, said, "As this designation demonstrates, the Antiquities Act is a powerful tool for protecting not just natural wonders,

but also priceless historic and cultural resources located throughout the U.S."

Here are another new monument and a potential now monument:

**Point Arena/Stornetta:** On March 11 Obama designated 1,665 acres along the Mendocino County coast in California as part of the California National Monument. The existing national monument includes more than 20,000 islands and rocks along 1,100 miles of the California Coast. It is managed by BLM.

The designation renders moot for now legislation (HR 1411, S 61) from Rep. Jared Huffman (D-Calif.) and the state's two senators that would have protected 1,225 acres of the islands and rocks. That legislation would also have designated the new lands as national monuments.

Huffman was particularly enthusiastic. "It is fitting that President Obama is following in the footsteps of Teddy Roosevelt in using the Antiquities Act—the same law used to protect the Grand Canyon and the Statue of Liberty—to protect this jewel of the Mendocino Coast for future generations," he said. "Thousands of new visitors each year will flock to see this gateway to the Coastal National Monument. As they enjoy some of the best ocean views in Northern California, they will also provide a significant boost to the local tourism industry, already Mendocino County's biggest employer."

**Boulder-White Clouds:** Rep. Mike Simpson (R-Idaho) has been trying for six Congresses to persuade the House and Senate to pass legislation (HR 145) to designate 333,000 acres of national forest and BLM land in central Idaho as wilderness.

The Idaho Conservation League has about given up on the legislation and is asking the President to go the monuments route. "But after trying to pass a bill in six consecutive sessions of Congress that would have protected more than 330,000 acres of wilderness areas in central Idaho, ICL is now acknowledging reality: Congress is no longer a place

where people can come together to get things done," says the league.

## Senate panel approves 6-year MAP-21: House approps acts

The Senate Environment and Public Works (EPW) Committee did the easy part May 15 in approving a six-year extension of surface transportation law.

Now comes the hard part - paying for it. The EPW committee sets out the details of federal surface transportation policy but the Senate Finance Committee must come up with the money.

At any rate the EPW committee under chair Barbara Boxer (D-Calif.) approved a bill (S 2322) that more or less extends the existing law called Moving Ahead for Progress in the 21<sup>st</sup> Century (PL 112-141 of July 6), also known as MAP-21,

For park and rec programs passage of S 2322 would mean the extension of an overarching Transportation Alternatives Program that feeds specific outdoor programs with money, to wit Recreational Trails, Transportation Enhancements, Scenic Byways, Safe Routes to School.

In fiscal years 2013 and 2014 MAP-21 allocated about \$720 million per year to Transportation Alternatives. S 2322 would retain the existing formula, adjusted for inflation.

In addition the bill would extend an existing federal lands roads program at \$300 million per year (with \$240 million set aside for the Park Service) and an additional \$250 million to maintain roads through and near federal lands.

The counterpart House Transportation Committee under Chairman Bill Shuster (R-Ohio) also intends to begin work on a bill in "late spring or early summer," he has said, presumably when primary elections are over.

Although the transportation committee has not acted, the House Appropriations Committee did serve

notice May 21 that recreation - and particularly trails - is not in favor on the House side of the Hill.

The committee approved a fiscal year 2015 transportation appropriations bill that would bar recreation and trails from using regional grant money called TIGER.

Said the committee of the \$100 million TIGER appropriation, down from \$600 million in fiscal 2014, "The legislation does not allow these funds to be used for non-essential purposes, such as street-scaping, or bike and pedestrian paths."

Although the House Appropriations Committee approved the fiscal 2015 Transportation spending bill, it acknowledged that the measure is contingent on Congress approving an extension of, or revision to, MAP-21 first.

The Senate EPW Committee version of MAP-21 does not mention TIGER grants but would authorize \$400 million per year for a Projects of National or Regional Significance Program to sort of replace TIGER. But recreation advocates such as streetsblog.org say the grant criteria in the bill are too stiff for most bikeway projects, such as a \$350 million project minimum.

The Obama administration has recommended more transportation spending than the Senate EPW committee and the House Appropriations Committee, having proposed April 29 significant increases in most transportation programs. On the bottom line the administration would spend \$75 billion per year compared to the Senate committee's \$44 billion. The House Appropriations Committee approved just over \$40 billion for fiscal 2015, again contingent on Congress approving a new or extended MAP-21.

Still ahead is the forbidding task of finding money. The Senate Finance Committee and the House Ways and Means Committee must come up with the \$44 billion (Senate) to \$75 billion (administration) per year to pay the freight.

The Highway Trust Fund that has traditionally footed the bill is running out of money, collected from gasoline taxes. Based on an 18.5 cents per gallon gasoline tax, the fund now puts up only \$34 billion per year for surface transportation.

Lots of ideas have been floated to come up with the extra money based on revisions to the tax code. And that is the responsibility of Senate Finance and House Ways and Means.

For now the administration's surface transportation recommendation, called the Grow America Act, would, like the Senate EPW Committee bill, roughly retain the existing Transportation Alternatives Program as is.

However, the administration, while making much of climate change in submitting the draft bill to Congress, did not mention the contribution of trails, bicycle commuting or walking as transportation alternatives to lower carbon emissions.

The administration's new four-year proposal would make some changes in the federal and tribal lands road programs. In MAP-21 the federal land roads program receives a straight appropriation of \$300 million, with \$240 million of that set aside for the National Park Service.

In Grow America the administration would appropriate more money, beginning at \$370 million and climbing to \$393 million. But the administration would set aside 80 percent of that to the Department of Interior at large and allow the department to divide it up. The Forest Service would receive a guaranteed 15 percent. A similar construct holds for tribal lands.

The federal lands access program that puts nonfederal entities in charge of maintaining roads through and near federal lands would remain at \$250 million for fiscal 2015 and grow to \$260 million by fiscal 2018.

A new National Significant Federal Lands and Tribal Projects Program the administration proposed would address projects that are too large for the

federal and tribal lands programs. The administration would set aside \$150 million for the big projects each year from fiscal 2015 through fiscal 2018.

The administration is also a bigger fan of the TIGER program than either the Senate or House committees. It would authorize \$1.2 billion per year for TIGER, compared to the Senate's \$400 million and the House appropriator's \$100 million.

## **House moves WRDA conference bill with Everglades help**

The House gave final approval May 20 to a comprehensive Water Resources Development Act (WRDA) that would authorize almost \$1.9 billion for four projects to restore the Everglades ecosystem. The Senate is expected to give final Congressional approval to the conference committee bill today (May 23).

The conference bill (HR 3080) includes other provisions affecting park and rec areas, including one to include the Corps as a participating agency in an America the Beautiful National Parks and Federal Recreational Lands Pass Program.

Although limited government advocates have criticized the measure in the past, it sailed through the House by a vote of 412-to-4 because it would provide so much assistance to so many Congressional districts.

Rep. Lois Frankel (D-Fla.) endorsed the Everglades provisions. "As a proud Member of Congress from south Florida, I am especially excited to see the advancement of the widely-supported expansion of Port Everglades and the restoration of our most precious wetland known as the Everglades - the source of drinking water for 7 million people," she said.

Despite the Congressional passage of the WRDA bill, authorized projects are not home free. Congress must still come along later and appropriate the money for them.

But for now park and rec groups such as the National Parks Conservation Association are endorsing the conference committee action. "We are pleased to see crucial national park projects and commitments to improve the waterways around these amazing landscapes," said Theresa Pierno, chief operating officer of the National Parks Conservation Association.

In total an earlier House-passed bill would have authorized \$8 billion in expenditures and the Senate \$12 billion. The conferees settled on \$12 billion. However, the House-Senate conference committee said its bill would deauthorize \$18 billion in old projects, effectively paying for itself.

"All authorizations in WRRDA are more than fully offset by deauthorizations. Specifically, WRRDA deauthorizes approximately \$6 billion more than it authorizes," said the conferees.

The House-Senate conference committee reached agreement on HR 3080 May 8 and published the results of its agreement May 15.

The conferees took great pride in including no earmarks in the bill. Then how did they manage to authorize the \$1.9 billion for the four Everglades projects? By simply including the four projects in a section of the bill called "Authorization of final feasibility studies." In effect Congress said it was approving projects the Corps of Engineers had completed studies of, without picking winners and losers.

Here are the four Everglades projects:

\* Caloosahatchee River West Basin Storage Reservoir, \$626.6 million (\$313 million federal, \$313 million state),

\* Biscayne Bay coastal wetland, \$192 million (\$96 million each),

\* Broward County water preserve area, \$896 million (\$448 million each), and

\* C-111 Spreader Canal, \$175

million (\$87.5 million each).

In a separate development, and as we reported in the last issue of *FPR*, on April 30 the Corps of Engineers said it had reached an agreement with the State of Florida to clear the way for two large, previously-authorized Everglades restoration projects.

The Corps said it would begin work on a C-111 South Dade and a Kissimmee River Restoration project costing collectively over \$1 billion.

The C-111 project is considered more important for restoration of the Everglades because it would allow more water to flow into the Everglades ecosystem. An old C-111 canal now blocks the flow of fresh water into the Everglades and starves the park of water.

Congress approved the C-111 South Dade (total cost \$270 million) and Kissimmee River (total cost \$780 million) projects under the Water Resources Development Act (WRDA) of 2000 as part of a Comprehensive Everglades Restoration Plan. The C-111 project has been held up for two years while the Corps negotiated details with the state.

Back-up information on the House-Senate WRDA conference report is available at: <http://transportation.house.gov/wrrda/conference.htm>.

## **Some approps bills begin to roll; DoI not among them**

Senate and House appropriators are moving swiftly to mark up fiscal year 2015 appropriations bills, but an Interior and Related Agencies measure is liable to come up later in the game.

That's because House Republicans refused to transfer emergency fire-fighting money out of an Interior bill and into disaster funding. That could cost the Interior bill as much as \$470 million.

Still, the House Appropriations Committee and Senate Appropriations Committee are hard at work on some of

the other 12 annual appropriations bills. The House committee this week approved an Agriculture bill (May 20) and a Transportation bill (May 21). Earlier the panel approved a Commerce bill, a Legislative Branch bill and a Military Construction bill.

The Senate committee marked up a Military Construction bill and an Agriculture bill yesterday (May 22). And it plans to mark up two more bills week after next, which the committee would not identify.

The House Appropriations Committee May 8 established fiscal 2015 spending ceilings for its 12 subcommittees (so-called 302(b) caps) based on a budget ceiling of \$1.014 trillion.

The Interior subcommittee cap is \$30.2 billion, or \$100 million more than the fiscal 2014 final appropriations of \$30.1 billion. That is deceptive because the fiscal 2015 Interior bill will almost certainly have to come up with \$470 million to repay fiscal 2014 fire-fighting costs and may have to come up with more than \$400 million for the payments-in-lieu of taxes community assistance program. So that is \$900 million off the top, leaving public lands line programs scrambling.

The Senate Appropriations Committee is using subcommittee-spending caps based on the same cap adopted by the House, \$1.014 trillion. The committee also approved fiscal 2015 subcommittee caps May 22, with a ceiling of \$31.5 billion for the Interior and Related Agencies bill or \$1.4 billion more than the House ceiling.

The hard times for the Interior bill were foretold at the May 8 hearing when Rep. Jim Moran (D-Va.), ranking minority member on the subcommittee, objected to the inclusion of emergency fire money in the bill. "The solution is (Rep. Mike) Simpson's (R-Idaho) wildland fire disaster bill," said Moran. "Wildland fires are the only emergency we don't fund as a disaster and that we put under discretionary funding."

He went on, "Mr. Simpson has the solution that has bipartisan support.

If we would do that I think we could all work with it. But in the absence of doing something about wildland fires the Interior bill is not a bill we are going to be able to reach agreement on, unfortunately."

The assignment of House and Senate subcommittee spending caps opens the way for the subcommittees to begin marking up fiscal 2015 bills. However, Moran's objections to the House caps indicate that the Interior bill could be controversial - and late in the mark-up queue.

**Senate embarrassment?** Republican members of the Senate Energy Committee are demanding that chair Sen. Mary Landrieu (D-La.) hold hearings on the Obama administration's fiscal 2015 budget request. The GOP plea to Landrieu may have political overtones.

The nine wrote Landrieu earlier this month, "It is important to note that the majority of the authorizing committees have conducted hearings on the President's budget; however this committee has not held one hearing. We have an obligation to the American taxpayers to complete our oversight before the Senate proceeds with drafting the twelve annual regular appropriations bills."

The political overtones arise because Rep. Bill Cassidy (R-La.) is challenging Landrieu for her seat, and committee Republicans suspect that hearings on the administration's budget could hurt her in Louisiana. Ranking committee Republican Lisa Murkowski (R-Alaska) didn't sign the letter to Landrieu.

The Republicans do make a substantive point: The Senate Energy Committee has traditionally held annual oversight hearings on the budget requests of the Interior Department and the Forest Service.

## **Tax bill with conservation easements set back in Senate**

Legislation to extend for two years tax incentives to donate

conservation easements to the government came a cropper last week in the Senate, through no fault of the easement provision.

The easement extension was attached to a supposedly noncontroversial bill (S 2260) to extend dozens of popular tax breaks. But Democratic and Republican senators quarreled so fiercely about possible amendments to the bill that the Republicans blocked further consideration.

However, Senate Majority Leader Harry Reid (D-Nev.), when he saw the measure was going to be blocked, exercised a procedural prerogative and voted against the bill, allowing him to bring the measure to the floor again soon.

For land trusts the bill and the provision are crucial. Said the Land Trust Alliance just before the vote, "The enhanced tax deduction for conservation easement donations has helped America's land trusts work with farmers, ranchers and other modest-income landowners to increase the pace of conservation by a third to over a million acres a year!"

The alliance said that under the previous law, in effect from 2006 through December 2013, farmers and other landowners protected as much as 1 million acres per year. The provision allowed landowners to deduct up to 50 percent of their adjusted gross income from taxes each year if they donated a conservation easement.

The new provision would do the same for calendar years 2014 and 2015. The alliance says the previous law (and the new provision):

"\* Raises the maximum deduction a donor can take for donating a conservation easement from 30% of their adjusted gross income (AGI) in any year to 50%;

"\* Allows qualified farmers and ranchers to deduct up to 100% of their AGI; and

"\* Increases the number of years over which a donor can take deductions

from 6 years to 16 years."

Still in place is an even older law that allows donations of up to 30 percent of adjusted gross income.

Senate Finance Committee Ron Wyden (D-Ore.) introduced the tax extenders bill (S 2260) that the committee approved April 28 by a voice vote. Democrats and Republicans alike generally supported the measure.

But when S 2260 hit the Senate floor May 15 the trouble began. More than 120 amendments were introduced that day. But Reid would allow no amendments. Republicans objected to being shut out of the process, but Wyden said speed was of the essence.

Said ranking Senate Finance Committee Republican Orrin Hatch (R-Utah). "When we held a markup (in committee), all Senators were allowed to offer amendments and receive votes on those amendments. Why not continue that process, as we have in the past, on the almighty floor of the Senate."

But Wyden pressed for quick action. "I want colleagues on both sides of the aisle to know we are going to focus on getting these extenders passed now. . . It is my intent to use every single day as we go forward with that effort to make sure the extenders pass and pass quickly, then move on to comprehensive bipartisan tax reform. I know we can do it."

Among the amendments introduced May 15 was one (SA 3108) from Sen. Richard Blumenthal (D-Conn.) that would authorize a tax credit for the fair market value of land contributed to a National Scenic Trail.

Much of the land along National Scenic Trails is privately owned and thus is not barred from development. There are more than 18,000 miles of National Scenic Trails in the country managed by the Forest Service and Interior Department agencies.

Blumenthal has introduced his amendment as a stand-alone bill (S 1160) and Rep. Gerald Connolly (D-Va.) has

introduced a counterpart House bill (HR 474)

More information on the easements provision is available at: <http://www.landtrustalliance.org/policy/tax-matters/campaigns/the-enhanced-easement-incentive>.

In a related easements development that we reported on in the last issue of *FPR* the Department of Agriculture said May 1 that it is beginning to implement conservation provisions in a new Farm Bill law by making available \$386 million from two programs.

Secretary Tom Vilsack said the states will accept grant applications from landowners through June 6 for conservation easements (\$366 million) and through June 16 from state and tribes for Open Fields (\$20 million).

President Obama signed the Farm Bill into law (PL 113-79) February 7 that authorizes conservation programs tied to agriculture for the next five years.

## **ATVers confront Utah BLM by entering off-limits canyon**

As many as 50 all-terrain vehicle (ATV) riders drove into an off-limits area managed by the Bureau of Land Management (BLM), near Blanding, Utah, May 10, touching off a dangerous confrontation.

The riders traveled about a mile into Recapture Canyon as 30 sheriff's deputies and BLM law enforcement officials watched. BLM Utah State Director Juan Palma said the canyon is off limits to ATVs because it contains ancient artifacts and dwellings.

Palma said the bureau recorded and documented the people who rode into the canyon and "will pursue all available redress through the legal system to hold the lawbreakers accountable."

He also said several other areas near Blanding are available to ATV use. "There are more than 2,800 miles of trails open to ATV use on public lands



adjacent to or within a short drive of Blanding. This extensive trail system offers OHV riders vast and diverse opportunities to ride and recreate on public lands in southeastern Utah," he said.

The riders, led by San Juan County Commissioner Phil Lyman, said they were protesting federal overreach in the management of public lands, according to press reports.

Environmental groups are backing BLM. "Plans to willfully violate federal law—and to disregard other stakeholders and damage natural and cultural resources in the process—are reprehensible. BLM has our support in its efforts to protect the special resources of Recapture Canyon," said Scott Miller, senior regional director with The Wilderness Society in Denver.

Recapture Canyon is located in San Juan County. Last year the county asked the Monticello Field Office to open a Recapture Canyon All-Terrain Vehicle Trail System Right-of-Way (ROW). The 14.25 miles ROW would include three trailheads and signage. However, the Hopi Tribe and conservationists oppose the ROW.

County officials say BLM is dragging its feet in the petition that was submitted a year ago. Led by Lyman, the officials said BLM should be able to both allow ATV use in Recapture Canyon and protect cultural resources at the same time.

The Recapture Canyon confrontation stems from a decades-old disagreement between conservative westerners and the federal government over management of the public lands. Counties like San Juan chafe at restrictions imposed by land managers on access routes, grazing rights, energy development and so on.

The Recapture Canyon dispute erupted just as three House Republican members are beginning to close in on a possible massive bill to at once protect conservation areas in and near San Juan County and authorize new development in those areas. *(See following article.)*

The Recapture Canyon set-to is the second major confrontation between private citizens and BLM this spring. On April 12 rancher Cliven Bundy in Nevada refused to leave public lands when ordered to do so by BLM. (Ryan Bundy, a son of Cliven Bundy, was one of the ATV riders in Utah.)

Bundy and some 100 citizens, many of them armed, faced down BLM when the bureau tried to confiscate 100 head of cattle. What the feds do next to Bundy is unclear. Among their options are liens on property, a contempt citation or lawsuits.

At first Bundy enjoyed broad national support from western Republican politicians and the Fox News cable network. But when he sharply criticized blacks, much of that support melted.

## **Utah Congressmen see progress in jumbo federal lands bill**

Three Utah House members said a fortnight ago they are making headway on a federal lands bill that would govern much of the eastern portion of the state. The legislation, if enacted, would protect vast stretches of federal conservation lands Utah.

The three have engaged various warring factions for the last year in an effort to balance development with conservation in seven counties. The Bureau of Land Management (BLM) and the Forest Service are the main landlords in the area.

The three Congressmen told interested parties in a letter May 7, "We are confident that a deal can be reached and that Utah's land management paradigm can be greatly enhanced and local economies boosted through this process."

The three, led by House subcommittee on Public Lands chairman Rob Bishop (R-Utah), said the next two months are crucial. "The legislative framework we plan to release this summer is likely to include a variety of the provisions that have been under consideration since the (Public Lands

Initiative) officially began over 20 months ago," they wrote.

Bishop, Rep. Jason Chaffetz (R-Utah) and Rep. Chris Stewart (R-Utah) hinted strongly where they stood on specific areas in their letter when they listed 21 sites for possible economic development or transfer to local management and 21 sites for conservation or wilderness.

Bishop told KTVX News May 14, "This is going to be big, this is going to be doing something that we have never tried on this scale before and we're going to try to break down some of the traditional road blocks that have stopped making progress."

The list is on page two of the letter here: [http://robbishop.house.gov/uploadedfiles/050714\\_pli\\_update.pdf](http://robbishop.house.gov/uploadedfiles/050714_pli_update.pdf).

The seven lead counties - Daggett, Grand, Emery, San Juan, Wayne, Caron and Uintah - have held hearings and to varying degrees submitted recommendations.

The difficulties facing the Congressmen are exemplified by the recommendations of a coalition of environmental groups including the Grand Canyon Trust. According to Tim Peterson, Utah forest wildlands manager for the trust, the coalition recommended a broad conservation component for the plan.

Peterson said the recommendation includes new wilderness, wild and scenic rivers, mineral withdrawals, protection of cultural resources, expansion of park units, and state land exchange across several regions.

Those regions include Greater Canyonlands, Moab/Colorado River/Labyrinth Canyon, Book Cliffs/Desolation Canyon, San Rafael Swell, Glen Canyon/San Juan River Basin, Fremont River Headwaters/Wayne Wonderland and Uinta Mountains/Dinosaur.

Bishop launched the campaign back in February 2013, although it did not become public until the spring of 2013.

Driving Bishop in part is the possibility that the Obama administration will designate large national monuments in eastern Utah. Conservationists have often recommended designation of a 1.4 million-acre Canyonlands National Monument on BLM-managed land in southern Utah. They have asked President Obama to designate the monument adjacent to Canyonlands National Park.

The Obama administration has made no secret of its ambition to designate major new national monuments. Most recently on May 21 the President designated an Organ Peaks monument in New Mexico. (See related article page one.)

Some 12.7 million acres of federal land in Utah are reserved for conservation purposes, including national parks, wilderness, wilderness study areas, wild and scenic rivers, and national monuments. In addition Congressional Democrats are pushing for the designation of 9.1 million acres of new wilderness, mostly from BLM-managed lands.

While Bishop is looking for common ground, he is definitely not on board with the environmentalists' 9.1 million-acre wilderness bill. Rep. Rush Holt (D-N.J.) and Sen. Richard Durbin (D-Ill.) introduced that measure (HR 1630, S 769).

## **DoI moves on Navajo coal plant near Grand Canyon**

The Department of Interior said May 16 that it will consider extending the life of a giant power plant in Arizona that environmentalists say sullies the air over national parks.

Under the lead of the Bureau of Reclamation, the department will prepare an EIS to evaluate an ongoing Navajo Generating Station and a Kayenta Coal Mine. They provide power for more than one million people in Arizona, California and Nevada.

The Interior Department reached agreement with several disparate parties

on July 26, 2013, to eliminate the use of coal to power the plant over the next 30 years.

Instead of coal, the jurisdictions that now draw their energy and water from the station would transition to renewable energy. Environmentalists will hold the department to that commitment.

In February Sandy Bahr, chapter director for Sierra Club's Grand Canyon Chapter, said, "On a clear day, there is no more spectacular view than the one at Grand Canyon. But unfortunately, Navajo Generating Station, one of the most polluting coal plants in the country, continues to foul the skies over this world-renowned national park. Interior, due to its stake in the plant, and its responsibility to protect Grand Canyon must step up and take action and do so in a timely way."

The signers of the July 26, 2013, agreement included the Department of the Interior, Central Arizona Water Conservation District, Navajo Nation, Gila River Indian Community, Salt River Project, Environmental Defense Fund, and Western Resource Advocates.

The agreement calls for the Interior Department to convert 80 percent of its share of the Navajo Generating Station to clean energy by 2034. Concurrently, the owners of the station are to phase out their use of coal by Dec. 22, 2044.

As part of the renewable campaign the Interior Department is to work with the Gila River Indian Community to develop a major solar energy facility. The Four Corners plant has been a target of Navajo activists and environmentalists for decades as one of the main sources of pollution over Indian and federal lands in the Southwest.

Conservation groups for decades have attempted to persuade EPA and the states to crack down on pollution from power plants that mar visibility over 156 Class I federal areas. They are national parks larger than 6,000 acres and wilderness areas larger than 5,000

acres. The Navajo power plant is often cited by conservationists as a prime offender.

**Wyoming dispute:** In a related visibility fight the State of Wyoming is going to court to prevent EPA from blocking a state plan to eliminate haze over public lands. EPA on June 10, 2013, rejected a state plan and proposed a substitute federal plan.

Wyoming Gov. Matt Mead (R-Wyo.) said the federal plan would cost utilities in the state hundreds of millions of dollars, if not billions of dollars.

The EPA rule and the state rule are supposed to reduce haze over Class I public lands. EPA said the Wyoming state plan failed because it did not establish rigorous controls over coal-fired power plants. EPA did approve the rest of the state plan. After defending the state plan Mead said he was going to court to prevent EPA from striking an agreement with environmentalists.

## **New bill would enhance NPS cooperation with nonprofits**

A conservative Republican and a liberal Democrat introduced legislation May 8 to grease the wheels for increased nonprofit investments in the National Park System.

Among other things the bill from Reps. Cynthia Lummis (R-Wyo.) and Jared Huffman (D-Calif.) would specifically authorize longer-term projects carried out by the nonprofits. One provision would allow the consolidation of contributions for several years.

Lummis and Huffman introduced the bill because the Park Service presently is sometimes unsure about its authority to enter agreements with nonprofits.

Nonprofit partners contributed more than \$150 million in money and services to the Park Service last year.

Said Lummis, "Citizens continue to look for ways to personally invest in the mission of the parks, generously

donating their time and money. We can maximize the use of our culture of volunteerism to help support the National Park Service as it approaches its centennial."

Said Huffman, "Our Park Partner Enhancement Act will make it easier for the public, including nonprofits and schools, to work with the National Park Service and make tangible improvements to enhance the experiences of all visitors to these national treasures."

Said Dan Puskar, executive director of Americans for Partners for the Public Lands, which represents nonprofit partner organizations, "(The bill) incentivizes private sector donations by leveraging federal funding, ensuring that nonprofit park partners can accomplish more projects and programs in close collaboration and within the high standards of the Park Service."

## Notes

### **Washington Monument opens. Oops.**

After closing the Washington Monument for nearly three years for \$15 million in repairs, the Park Service reopened the Washington, D.C., landmark May 12. Marring the reopening a bit was the failure of an elevator two days later, forcing visitors to walk down 895 steps. The elevator was quickly repaired. Such luminaries as Al Roker, television weatherman, attended the opening ceremony, along with Secretary of Interior Sally Jewell, NPS Director Jon Jarvis and philanthropist David Rubenstein. To make up for the closure because of an Aug. 23, 2011, earthquake NPS will extend hours through the summer, from 9 a.m. to 10 p.m. Tickets may be obtained on a first-come, first-served basis at 8:30 a.m. the day of a visit at the lodge at the monument's base. Half the \$15 million, or \$7.5 million, was donated by Rubenstein. Congress appropriated the other half. For most of the last three years scaffolding has graced the monument and provided the city with an almost-architectural landscape. Said Jewell, "The construction of the Washington Monument began in 1848 when private citizens raised money to build

a memorial to honor our nation's first president, and now it has been repaired thanks in part to the generosity of another private citizen, David Rubenstein, and the efforts of the Trust for the National Mall."

**Healthy kids bill is back.** Sen. Mark Udall (D-Ariz.) and Rep. Ron Kind (R-Wis.) reintroduced May 21 their legislation (HR 4706, S 2367) that would establish a national program to encourage children to visit the outdoors. The modest measure would have participating states develop a Healthy Kids Outdoors strategy and would have the federal government develop a similar, national strategy. The bill would authorize an appropriation of \$1 million for fiscal 2015 and increase that by \$1 million per year before reaching \$5 million in fiscal 2019. "Young people today spend less time engaged in outdoor activity than any other generation in history, which takes a serious physical and mental toll on them at a critical time in their development," Kind said. "This bill provides tools for our state and local leaders to find new opportunities to promote active, healthy outdoor lifestyles to our kids."

### **Everhardt 1,000th CNPSR member.**

Former NPS Director Gary Everhardt May 21 became the 1,000th member of the increasingly influential Coalition of National Park Service Retirees (CNPSR). Everhardt served as director of the service under President Gerald Ford. After that he served as superintendent of the Blue Ridge Parkway until retirement in 2000. Said CNPSR Chair Maureen Finnerty, "The achievement of reaching 1,000 members after 10 short years reflects the evolution of CNPSR from an ad hoc group formed in a budget crisis to a much larger and more active organization that now addresses a wide span of national and park-specific issues." The following NPS directors are now members of CNPSR: Everhardt, Ron Walker, James Ridenour, and Bob Stanton. Former directors who are now deceased and who were members are George Hartzog, Russell E. Dickinson, Bill Whalen and Roger Kennedy.

### **Western GOP hits wetlands rule.**

The 47 Republicans who make up the

Congressional Western Caucus have asked EPA not to follow through with its proposed rule to define waters that should be subject to Section 404 wetland permits. They wrote EPA Administrator Gina McCarthy May 8, "We have reviewed the proposed rule that you signed on March 25th and have concluded that the rule provides essentially no limit to CWA (Clean Water Act) jurisdiction. This is despite the Supreme Court consistently recognizing that Congress limited the authority of the EPA and the Army Corps of Engineers under the CWA." Senate Western Caucus Chairman John Barrasso (R-Wyo.) and Congressional Western Caucus co-chairs Stevan Pearce (R-N.M.) and Cynthia Lummis (R-Wyo.) took the lead in the letter. EPA and the Corps of Engineers said March 25 they have prepared a draft rule that would go well beyond the existing regulation that only requires a Section 404 Clean Water Act permit for navigable waters. The new proposal would also require permits for seasonal streams, wetlands near navigable waters and, maybe, other types of waters. Bird hunters and fishermen welcomed the proposal. Said Trout Unlimited CEO Chris Wood, "Many of these small waters provide vital spawning and rearing habitat for trout and salmon. Simply stated, the proposal will make fishing better. Restoring protections to these waters ensures healthy habitat for fish and a bright future for anglers." There is a long way to go because the agencies have just now begun a 90-day comment period. More information: [www.epa.gov/uswaters](http://www.epa.gov/uswaters).

**Will asbestos-plagued area open?** The Obama administration opposed legislation (HR 1776) May 20 that would reopen the Clear Creek Management Area in central California to human access, including to off-highway vehicles. The 75,000-acre area managed by the Bureau of Land Management (BLM) has been closed to the public since 2005 because of naturally-occurring asbestos in the soil. On February 12 BLM posted a management decision that would allow access to some of the area. But BLM Assistant Director for National Landscape Conservation Systems Carl Rountree said the bureau could not

endorse the opening of the asbestos-tainted areas. "While we support the proposed conservation designations, we cannot support provisions in the bill that could increase the exposure of public land users and employees to naturally occurring asbestos," he said. The bill, introduced by Rep. Sam Farr (D-Calif.), enjoys the support of California Republicans, off-highway vehicle advocates and conservationists. The measure would designate a 75,000-acre Clear Creek National Recreation Area and an adjacent 21,000-acre Joaquin Rocks Wilderness.

#### **States said better land stewards.**

The Congressional Western Caucus published a report a fortnight ago that it says demonstrates that states better regulate the environment than federal land management agencies do. The caucus report doesn't really match state-versus-federal management programs one-on-one. Instead it describes for each state two or three programs managed by nine different states that are succeeding and one or two programs managed by the feds that threaten the economy of the states, as the caucus sees it. For instance, the report - *Washington Gets It Wrong, States Get it Right* - describes briefly State of Idaho Fish and Game species management programs. One is a Comprehensive Wildlife Conservation Strategy and the other is an Idaho Fish and Wildlife Information System. The report then says a U.S. Fish and Wildlife Service review of the Greater sage-grouse threatens the state. However, the report doesn't compare specific state accomplishments to protect the sage-grouse versus federal accomplishments. Senate Western Caucus Chairman John Barrasso (R-Wyo.) and Congressional Western Caucus co-chairs Stevan Pearce (R-N.M.) and Cynthia Lummis (R-Wyo.) took the lead in the letter. The report assesses state programs in Colorado, Idaho, Kansas, New Mexico, North Dakota, Oklahoma, Texas, Utah and Wyoming. The document is available at: [http://www.barrasso.senate.gov/public/index.cfm?FuseAction=PressOffice.PressReleases&ContentRecord\\_id=402ecb00-c7f4-8745-1cad-91ffd806074a&Region\\_id=&Issue\\_id=](http://www.barrasso.senate.gov/public/index.cfm?FuseAction=PressOffice.PressReleases&ContentRecord_id=402ecb00-c7f4-8745-1cad-91ffd806074a&Region_id=&Issue_id=).

**NRPA awards water feature grants.** The National Recreation and Park Association (NRPA) is soliciting applications for communities for \$2.5 million in grants for water-based park and play areas. NRPA, using money provided by the nation's largest water utility company, American Water, will award grants of between \$50,000 and \$150,000. The application point/website is <http://www.nrpa.org/buildingbettercommunities/>. NRPA and American Water say that the five-year program will focus first on "enhancing nature-based playgrounds and natural play spaces for children."

**Veterans FLREA access bill in.** Sens. Jeanne Shaheen (D-N.H.) and Susan Collins (R-Me.) introduced legislation (S 2298) May 7 that would not require a 100 percent disability for veterans to receive a free National Parks and Federal Recreational Lands Pass. The senators said under the Federal Lands Recreation Enhancement Act (FLREA) of 2004 veterans must prove 100 percent disability. However, FLREA doesn't say that, we are told, and federal agencies don't require 100 percent disability to receive a pass. Said Kitty Benzar, president of the Western Slope No Fee Coalition, "This all seems like nothing but a piece of Congressional theater, and theater of the absurd at that. It's certainly doing nothing to benefit our veterans, who I'm sure could use lots of real help from Congress. This ain't that."

**Ellis Island restoration gains.** Ellis Island, still recovering from the October 2012 Hurricane Sandy, moved a step toward complete recuperation May 12. The Park Service said it has awarded a \$34.9 million "task order" to Perini Management Service, Inc. to replace infrastructure destroyed by the storm. Although Ellis Island partially reopened in October 2013 and has installed temporary electrical, communications and heating and cooling systems, the Park Service wants to replace the old infrastructure systems completely. Among other things Perini Management will install the infrastructure above flood level. The job is expected to be completed in December 2015.

## Conference Calendar

### MAY

27-30. **National Sporting Goods Association Management Conference** in Indian Wells, Calif. Contact: National Sporting Goods Association, 1601 Feehanville Drive, Suite 300, Mt. Prospect, IL 60056-6035. (847) 296-6742. <http://www.nsga.org>.

### JUNE

9-11. **Western Governors' Association Annual Meeting** in Colorado Springs, Colorado. Contact: Western Governors' Association, 1515 Cleveland Place, Suite 200, Denver, CO 80202. (303) 623-9378. <http://www.westgov.org>

11-14. **International Snowmobile Congress** in Keystone, Colorado. Contact: International Association of Snowmobile Administrators at <http://www.snowiasa.org/>

20-23. **U.S. Conference of Mayors Annual Meeting** in Dallas, Texas. Contact: U.S. Conference of Mayors, 1620 I St., N.W., Fourth Floor, Washington, DC 20006. (202) 293-7330. <http://www.usmayors.org>.

### JULY

11-14. **National Association of Counties Annual Conference** in New Orleans, Louisiana. Contact: NCAo, 440 First St., N.W., 8th Floor, Washington, DC 20001. (202) 393-6226. FAX (202) 393-2630. <http://www.naco.org>.

### AUGUST

6-9. **Outdoor Retailer Summer Market 2013.** Contact: Outdoor Industry Association, 4909 Pearl East Circle, Suite 200, Boulder, CO 80301. (303) 444-3353. <http://www.outdoorindustry.org>.

9-13. **Council of State Governments National Conference** in Anchorage, Alaska. Contact: Council of State Governments, P.O. Box 11910, Lexington, KY 40578. (859) 244-8103. <http://www.csg.org/>.

14-18. **National Speleological Society Convention** in Huntsville, Alabama. Contact: National Speleological Society, 2813 Cave Ave., Huntsville, AL 35810-4331. (256) 852-1300. <http://www.caves.org>.