

Federal Parks & Recreation

Editor: James B. Coffin

Subscription Services: Gerrie Castaldo

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In this issue. . .

House GOP goes after spending.

Sets ceiling for FY 2014 DoI bill at 14 percent below FY 13 level. Senate Approps and Obama will ask for significantly more. But Senate Dems will disagree... Page 1

Senate backs Farm conservation.

May move Farm Bill next week with new link between farm loans and protection of at-risk land.. Page 3

Murkowski: LWCF before fires?

Senator objects to big LWCF request as fire costs soar. But Tidwell says public wants... Page 4

End comes for Calif. landfill.

Los Angeles agency pulls support for huge dump near Joshua Tree. Fifteen-year war is over.... Page 6

Backers ask for new NPS fee plan.

Recommend agency deploy dynamic pricing pegged to high and low seasons. FLREA on table.... Page 7

Markey: Sequestration hurts NPS.

Ranking committee Dem publishes report on impacts to big, small parks. Based on survey..... Page 8

GOP keeps heat on Ike memorial.

In latest move House leaders ask for more maintenance data... Page 9

Farm Bill amendments long shots.

Include FLTFA, no more Forest Legacy, wetland permitting.. Page 10

Notes..... Page 11

Boxscore of Legislation..... Page 13

House appropriators slash cap for FY 2014 DoI bill

If you thought the fiscal year 2013 sequestration was draconian, take a look at the fiscal year 2014 spending ceiling for the Interior and Related Agencies spending bill, as approved by the House Appropriations Committee last week.

It would appropriate 14 percent less than the fiscal 2013 level, counting sequestration. Contributing to the dip, the fiscal 2014 committee number includes a projected deduction for sequestration.

The House committee approved \$24.3 billion for the Interior bill for fiscal 2014, or \$3.3 billion less than the fiscal 2013 final spending level of \$27.6 billion after sequestration is included. The fiscal 2012 appropriation for the bill was \$29.2 billion, or almost \$6 billion more than the House recommendation for fiscal 2014.

A somewhat similar pattern held for the other outdoor appropriations bills - Energy and Water (E&W), Transportation and Agriculture. For the E&W bill the committee's recommendation came in about \$2 billion lower than last year's recommendation, \$30.4 billion compared to \$32.1 billion. For Transportation the committee recommended \$7.5 billion less, \$51.6 billion in fiscal 2013 compared to \$44.1 billion in fiscal 2014. For Agriculture the recommendation is essentially unchanged at \$19.4 billion.

Park and rec advocates are up in arms about the Interior cap. "This is the wrong place to cut the budget," said Kirk Bailey, vice president of government affairs for the Outdoor Industry Association (OIA). "The nation's recreation lands are beacons of economic opportunity and directly generate economic activity that is good

for communities and this country. This proposal is short-sighted and will create more challenges than it will solve."

OIA predicted, "If enacted, such cuts would mean more park closures, greater threats to clean rivers and streams, fewer youth and educational programs, and reduced wildfire protection."

The House committee May 21 established so-called 302(b) allocations that divided up \$967 billion for fiscal 2014. That is the government-wide spending limit under the sequestration law formally titled the Budget Control Act (PL 112-25 of Aug. 2, 2011), as interpreted by the House's fiscal 2014 Congressional budget (H Con Res 25 of March 21).

Senate Appropriations Committee Chairman Barbara Mikulski (D-Md.) disagrees. She says the Senate budget will authorize a total spending level \$91 billion more than the House, or \$1.058 billion, in line with the Senate's fiscal 2014 Congressional budget (S Con Res 8 of March 23). The \$1.058 billion is the same amount the Obama administration recommended in its fiscal 2014 budget request.

The chances are not good that the House committee recommendations will be enacted. The Senate will establish higher allocations with its extra \$91 billion and the Obama administration will reject the House plan. In the end a continuing resolution similar to the fiscal 2012 or 2013 appropriations is more likely.

There is one more long-shot possibility. The tough spending limits could be discarded if the House, Senate and White House struck a grand bargain on a long-term budget later this year. But right now neither side has the political motivation to reach such an agreement.

In the House Appropriations Committee mark-up May 21 ranking Democrat Nina Lowey (N.Y.) offered an amendment to restore the \$1.058 billion overall spending ceiling. It was

defeated on a 21-to-26 party-line vote.

Said Lowey, "For bills funding domestic services and investments, these allocations would require cuts of up to 20 percent from 2013 enacted levels. Many domestic priorities would be slashed to levels far below even sequestration levels. Democrats cannot and will not support Appropriations bills that continue to gut services and investments critical to middle-class American families."

But committee chairman Hal Rogers (R-Ky.) said appropriators were boxed in by the House budget and sequestration. "Clearly, this is an austere budget year," he said. "Sequestration is taking a huge toll on discretionary spending, leaving us with this very low topline number. Yet our hands are tied, and we must try and make do with the level we have right now. It is my sincere hope that there will soon be a budget compromise that will undo the damaging sequestration law and give us a single, common top-line allocation with the Senate."

Left hanging by the House 302(b) allocations is House Appropriations subcommittee on Interior and Related Agencies Chairman Mike Simpson (R-Idaho). If he follows the committee's allocations - and he has no choice, he will have little or no money left over after setting aside appropriations for such mandatory programs as fire fighting and agency operating budgets.

Fiscal 2014 request: Here's the Obama request for specific programs in 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.

* FWS REFUGE MANAEMENT: Request, \$499.2 million. Fiscal 2012, \$486.5 million. House committee, \$455 million.

Senate closes in on Farm Bill with conservation provision

When the Senate returns to work June 3 leadership must decide which of hundreds of proposed amendments to a giant Farm Bill (S 964) to consider on the floor, including numerous conservation amendments.

Among the more dramatic proposals is one (SA 1017) from Sen. Mike Lee (R-Utah) that would repeal the Conservation Reserve Program (CRP). However, CRP is a long-standing pillar of agricultural policy and is in no danger of being eliminated.

Also secure is a brand new provision already in S 964 that would require farmers to remove fragile lands from cultivation as part of a crop insurance program. The crop insurance would largely replace direct payments now made to farmers. (*See related article page 10 on proposed non-farm outdoor policy amendments to S 964*).

Senate Agriculture Committee Chair Debbie Stabenow (D-Mich.) said on the Senate floor May 22, "In this farm bill we are including a new historic agreement around conservation – the most powerful conservation work in decades . . . If farmers want to participate in title I commodity programs, including the current Direct Payments Program, they must take steps to use best conservation practices on their land when it comes to highly-eroded soil and wetlands."

Conservationists are on board. Said Ron Regan, executive director of the Association of Fish and Wildlife Agencies, "Conservation compliance has been a critically important policy, helping us conserve fish and wildlife habitat through a partnership between farmers and taxpayers. State fish and wildlife agencies applaud the historic steps taken today to strengthen conservation compliance by linking it to crop insurance subsidies, and look forward to working with members of Congress and our partners in the conservation and agriculture communities to see these policies become law."

Despite the Senate's relatively early consideration of S 964 this year, there are no guarantees Congress will pass a new Farm Bill soon. The bill now on the Senate floor is light years away from a version of a bill (HR 1947) the House Agriculture Committee approved May 15. Stabenow said the Senate would strive to pass its bill next week when it comes back from a Memorial Day vacation. However, Senate leaders must first agree on which of the hundreds of amendments to consider.

The Senate and House Farm Bills generally follow the pattern of last year's failed 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 the Conservation Reserve Program, a consolidated conservation easement program, an Open Fields program and the new loan/conservation policy.

The House and Senate have until October 1 to complete the legislation because at the first of the year they extended an old Farm Bill law in a short-term budget bill (PL 112-240 of January 2) through that date. If Congress can't agree on a five-year bill before October 1, it may of course simply extend the old law again.

And there is a good chance the House and Senate 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.

In the House this year Republican leaders reportedly are shooting for House passage of HR 1947 by July 4th. But the objections that blocked a bill last year are still in place. House Agriculture Committee Chairman Frank Lucas (R-Okla.) is the lead sponsor of HR 1947.

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.

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.

Murkowski faults LWCF hike when fire needs are soaring

A key Republican senator last week sharply questioned the Obama administration's priorities in proposing mandatory funding of \$900 million per year for the Land and Water Conservation Fund (LWCF).

Sen. Lisa Murkowski (Alaska) asked Forest Service Chief Tom Tidwell how he could justify such a proposal at a time of soaring fire budgets. "We're talking about a fire season that scares us all and we simply won't have the resources to deal with that," she began.

Murkowski added, "When one program receives preferential treatment not subject to the same continuous review we go through for other programs, fire fighting, hazardous fuels, timber harvest - why does LWCF deserve to be put on a higher plane?" Murkowski is both ranking minority member on the Senate Appropriations subcommittee on Interior and Related Agencies and on the Senate Energy Committee.

Tidwell, testifying on his agency's fiscal year 2014 budget before the appropriations panel May 22, said the LWCF proposal is based on public requests and on the fact that acquisitions can actually save money.

"Once again," he said, "it is driven by what we hear across this country about the need to acquire these key parcels of land whether for critical habitat that can insure that we're able to recover species or to do more active management or to provide key access points to make sure that people can access national forests in key areas or to provide the conservation easements so that a private landowner can keep working his or her lands . . . That's what really drives this."

He finished by noting the economic benefits of land purchases. "At every point in my career by acquiring those key parcels it actually reduces our overall administrative costs and gives us more flexibility to manage these landscapes," he said.

While he was at it Tidwell plugged the Obama administration's signature conservation initiative - America's Great Outdoors (AGO). Full funding of LWCF is a central component of AGO.

Tidwell said AGO is one of his agency top three priorities. "AGO will support community-based recreation to provide opportunities for economic expansion to retain and create jobs by providing recreational opportunities that will support 166 million visitors," he said. "These economic activities will support over 200,000 jobs."

Despite the administration's promotion of AGO and full funding for LWCF, its fiscal 2014 budget actually requests for Forest Service recreation an eight percent decrease from fiscal 2012, the last year when the agency had a fleshed-out appropriation. The fiscal 2014 request for recreation decreased by \$20 million, from \$281 million to \$261 million.

There is an "X" factor in the Forest Service budget request - a complex proposal to merge six National

Forest System line items into one \$757 million restoration account. While recreation is not one of the six accounts, activities from restoration projects could affect recreation visitors.

On the fire front chief Tidwell told the Senate subcommittee on May 21 that the service may be up against it this summer. "Our predictive services show that once again we are going to have another very active fire season especially throughout the West - California, Oregon and Washington then moving into Idaho and Montana," said Tidwell.

A former House Appropriations Committee staff member on Forest Service policy, Chris Topik, echoed Tidwell's worries about the upcoming season. "The fact is the less money you have you always have a bit of a problem," he told us. "At the end of the day the severity of the fire season is related to the number of events. If the Forest Service has a lot of staff to put out fires early, it is not as likely the fires will blow up and get away."

Topik, now director of the Restoring America's Forests program for the Nature Conservancy, faulted the Obama administration's fiscal year 2014 budget request of April 10 for requesting too little hazardous fuels money. The administration requested about 20 percent less money for hazardous fuels (about \$251 million as opposed to a \$317 million fiscal 2012 appropriation) and a 48 percent reduction in the Interior Department.

"We're very concerned about priorities that show a lack of interest on the hazardous fuels side, where funding is one-third to one-quarter of the suppression appropriation," he said. Logically, the severity of fires can be limited by eliminating fuels.

At the Senate hearing Tidwell said the service has an ambitious hazardous fuels program planned for fiscal 2014. "This budget request provides a level of preparedness that will continue our success in extinguishing 98 percent of wildland fires in initial attack,"

he said. "It does request an increase in \$138 million in suppression to fulfill our agreement to meet the 10-year average. We will continue to reduce the threat of wildfire near communities by reducing hazardous fuels on approximately 685,000 acres of the highest priority acres in the wildland-urban interface."

The Forest Service now spends \$700 million per year more for fire fighting than for management of the National Forest System - \$2.4 billion to \$1.6 billion. In severe fire seasons (most of them recently) the service borrows from other line items to pay for fire suppression.

Subcommittee chairman Jack Reed (D-R.I.) said that has to change. "I'm very concerned as you know about the precedence that has been set by the fire budget," he said. "As the ten-year average goes up every year the budget is shrinking and the need to fight wildfires is crowding out many worthy programs within your budget and many other Interior agencies within the bill."

End comes for proposed Calif. landfill near Joshua Tree

A regional agency in Los Angeles County said May 22 that it has given up its quest to establish a giant landfill near Joshua Tree National Park in the California Desert.

For 15 years the Sanitation Districts of Los Angeles County has attempted to obtain land managed by the Bureau of Land Management (BLM) for use for waste disposal. Although the Supreme Court March 28, 2011, effectively let stand a circuit court decision that ruled against the project, the Sanitation Districts was still trying to rework its proposal to satisfy the courts.

But on May 22, the regional agency that represents 78 cities in Los Angeles County, said it would no longer help its partner, Mine Reclamation Corporation (MRC), obtain a permit. MRC, a subsidiary of Kaiser Ventures, proposed the Eagle Mountain Landfill Project.

The agency said its board had "determined that the Sanitation Districts will cease negotiations with MRC and directed staff to undertake an ongoing evaluation of long term waste management strategies. This determination was based on many factors, including changes in the solid waste market and the challenging solid waste management goals that are facing Los Angeles County cities."

"This step was taken only after very careful consideration about what will best serve the public in the long term and what is in the best interests of the agency," said Grace Robinson Chan, chief engineer and general manager of the Sanitation Districts.

David Lamfrom, California Desert senior program manager for the National Parks Conservation Association (NPCA), skipped the niceties. "After 15 years of waging legal, political, and community-based battles, the land, air, water, views, and species and that makes this one of America's favorite National Parks are safer, thanks to the Los Angeles County Sanitation District's decision to trash this project, once and for all," he said.

The Eagle Mountain landfill would have been the largest in the nation. It would have accepted 200,000 tons of trash from the Los Angeles area each day for 117 years.

In a proposed land exchange that was part of the deal Kaiser would have received 3,481 acres of BLM land and permanent rights-of-way to the landfill. In exchange the company would have transferred to BLM 2,846 acres of private land that contain critical habitat for the desert tortoise. The landfill itself would cover 4,654 acres.

The proposal received its first major setback on Nov. 10, 2009, when the Ninth U.S. Circuit Court of Appeals held that BLM had prepared an inadequate EIS in support of the project. On March 28 the U.S. Supreme Court declined to consider the circuit court decision, effectively letting it stand.

In the two-to-one Ninth Circuit decision Judge Harry Pregerson ruled for

the majority that BLM's EIS read like a promotion for the project and failed to analyze enough alternatives. "The BLM adopted Kaiser's interests as its own to craft a purpose and need statement so narrowly drawn as to foreordain approval of the land exchange," he said. "As a result of this unreasonably narrow purpose and need statement, the BLM necessarily considered an unreasonably narrow range of alternatives."

But in a 49-page dissent Senior Circuit Judge Stephen S. Trott held that BLM's environmental analysis and decision to approve the exchange were adequate. "Our well-meaning environmental laws have unintentionally made such an endeavor (a landfill) a fool's errand," said Trott. "This case is yet another example of how daunting - if not impossible - such an adventure can be."

NPCA was the lead plaintiff in the case. It argued that the landfill would harm "the air quality, water quality, scenery, and natural quiet of the park and its southern gateway communities."

Park Service asked to look at more flexible fee system

Supporters of the National Park System asked NPS Director Jon Jarvis a fortnight ago to restructure the agency's entrance and user fee system, using existing administrative authority.

The ten advocacy groups, ranging alphabetically from the American Hiking Society to the Western States Tourism Policy Council, called on Jarvis to adopt a "dynamic pricing" system. That would include higher prices during high season and lower prices in off-seasons. And it would include shorter-duration passes for international visitors.

Said the groups, "NPS should adopt a Centennial park fee program with two goals: (1) increased revenue for park operations that will enhance the National Park Service's capacity to serve the visitor; and (2) a program that allows visitors to continue to enjoy the parks at a reasonable cost."

The letter is pegged of course to the upcoming 2016 Centennial of the National Park System. More immediately, the pitch is linked to the Park Service's own blueprint for the Centennial titled *A Call to Action*. It was published on Aug. 25, 2011.

NPS is currently updating *A Call to Action* and is expected to post a new version in late August.

The recommendation for a revised fee system is among the dozen suggestions for raising outside money for the Park Service assembled by such groups as the National Parks Conservation Association, the National Park Foundation and the National Park Hospitality Association.

The dozen recommendations were presented March 19 to a stellar group of past and present Congressmen, cabinet members and other VIPs of the park and rec world at a meeting hosted by the Bipartisan Policy Center.

Prominent among the recommendations is the proposal for a revised fee system for the National Park System. The advocacy groups say they are not trying to penalize visitors to park units but are trying to minimize traffic jams in the summer when tourists flock to Grand Canyon, Acadia and so on.

The underlying fee law, the Federal Lands Recreation Enhancement Act (FLREA), established fee policy for other agencies besides NPS, including the Forest Service, the Bureau of Land Management (BLM) and the Bureau of Reclamation.

Although the park advocates say NPS has authority under FLREA to shake up its entrance fee structure, the law 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.

So eventually Congress will almost certainly become involved with updating fee structures. At an April 12 hearing of the House Appropriations subcommittee

on Interior and Related Agencies panel chairman Mike Simpson (R-Idaho) endorsed a renewal of the old law.

If Simpson and appropriators don't update the law in a fiscal year 2014 appropriations bill later this year, the duty will fall to authorizing subcommittees, including the House subcommittee on Public Lands chaired by Rep. Rob Bishop (R-Utah) and the Senate subcommittee on National Parks led by Sen. Mark Udall (D-Colo.)

In a related development the Senate May 15 approved legislation (S 601) to authorize individual Corps of Engineers facilities to retain entrance and user fees under FLREA, just as NPS, BLM, the Forest Service, the Fish and Wildlife Service, and the Bureau of Reclamation do now.

Sen. John Boozman (R-Ark.) introduced the amendment that was attached to a Water Resources Development Act (S 601). The Corps hosts 400 million visitors per year, more than the National Park Service or Forest Service. The outlook for the amendment to the WRDA bill is unclear because the House has not begun working on a WRDA bill yet.

Outside money: Meanwhile, a National Park System Advisory Board Centennial subcommittee of seven people met in late April to discuss the dozen funding recommendations prepared by friends of the National Park System.

The sources of revenue that have appeared to draw the most interest thus far include the revised fee structure, diversion of a portion of oil and gas royalties to a new NPS fund of about \$350 million per year and a penny per gallon gasoline tax of about \$1.5 billion per year. (The gas tax would be used for all federal land management agency roads, not just park roads.)

Markey contends sequestration is hurting national parks

Rep. Edward Markey (D-Mass.) published a new report just before the Memorial Day weekend that argues the

fiscal year 2013 budget sequestration is cutting deep into NPS operations.

The report says interviews with national park superintendents belie Republican charges the Obama administration intentionally closed parks to build opposition to the sequestration. House Natural Resources Committee staff members conducted the interviews.

Says the report, "Park superintendents interviewed for this report said they were directed to minimize visitor impacts to every extent possible in developing their sequester plans. However, the size of the sequester cuts and the staff reductions required to meet those cuts meant that some visitor impacts could not be avoided, especially following other cuts that parks have endured over the last several years, the superintendents said."

The report, *America's Best Idea Meets America's Worst Idea*, may be taken with a grain of salt. Markey, the ranking Democrat on the House Natural Resources Committee, is right now running against Republican Gabriel Gomez for a U.S. Senate seat in Massachusetts. "National parks are known as America's best idea," said Markey. "But America's best idea is now under attack by one of America's worst ideas, the sequester."

The Office of Management and Budget says the Park Service has \$218 million less to spend in fiscal 2013 than in fiscal 2012 because of the sequestration. The Land and Water Conservation Fund alone must be reduced by \$26 million.

The Markey report surveyed 23 National Park System units ranging from such large ones as Grand Canyon National Park to such small ones as War in the Pacific National Historical Park.

It says the combination of small appropriations reductions, inflation and the sequestration have begun to add up. "Appropriated funds to the national parks fell slightly in the last couple of years," the Markey study says. "However, because of inflation, what appear to be small nominal cuts are

actually much bigger in terms of their real impact."

The report sums up these impacts for six park units:

"**Grand Canyon National Park** will keep visitors centers open two hours less per day, impacting nearly 500,000 visitors.

"**Glacier National Park** is reducing the number of days and hours that its visitor centers operate, and also is opening later or closing earlier (or both) at nine campgrounds.

"**Great Smoky National Park** was forced to delay the opening of 10 campgrounds and five horse camps by a month and close several other campgrounds and picnic areas on the park's periphery.

"**Grand Teton National Park** is closing one visitor center and cutting hours at another, closing 20 campsites along the park's Grassy Lake Road, and prohibiting vehicles in some remote areas where restrooms and trash can no longer be serviced.

"**Theodore Roosevelt National Park** in North Dakota is shortening the season by several months for its Painted Canyon visitor center, which is located at an interstate rest area and is important to local businesses, as it attracts more than 280,000 visitors a year.

"**Fredericksburg & Spotsylvania National Military Park** in Virginia is reducing the number of days its visitor center and historical sites are open, which will deny access to more than 20,000 visitors."

The report is available at:
<http://democrats.naturalresources.house.gov/press-release/markey-report-sequester-takes-toll-national-parks-visitors-communities>.

House GOP keeps heat on Eisenhower Memorial proposal

Unhappy with the proposed design of a Dwight D. Eisenhower Memorial on

the Washington, D.C., Mall, leading House Republicans are peppering the Park Service with requests for explanations of cost estimates.

Most recently, House Natural Resources Committee Chairman Doc Hastings (R-Wash.) and subcommittee on Public Lands Chairman Rob Bishop (R-Calif.) asked NPS to justify an estimated annual maintenance cost of \$740,000 per year. The Republicans suspect costs would be far higher.

The project is expected to cost \$142 million to construct.

The maintenance cost estimate was prepared for the Park Service by the Booz Allen Hamilton consulting and engineering firm. The proposed memorial, as designed by famed architect Frank Gehry, would be based on metal tapestries of a youthful Ike set in his Kansas hometown.

Hastings and Bishop expressed their doubts about the estimates in a May 15 letter to Park Service Director Jon Jarvis and demanded back-up documents that led to Booz Hamilton's estimate. They said, "Gehry's own peer reviewers suggested more frequent cleaning and maintenance would be needed for the tapestry elements and additional testing of the tapestries is ongoing. The Booz Allen study also does not address the costs associated with operating and maintaining the planned electronic component of the Memorial."

In addition to back-up documents the Republicans asked Jarvis to compare maintenance costs to those of the Martin Luther King, Jr. and the World War II Memorials near the proposed site of the Eisenhower Memorial. "Please explain whether the Martin Luther King, Jr. and the World War II memorials are appropriate examples for estimating the expected costs associated with ownership of the Eisenhower Memorial as currently designed, given the different materials and design elements (including metal tapestries) to be used in the Eisenhower Memorial that were not used at the other memorials," they said.

The brouhaha reached Congress on

March 20, 2012 at a House subcommittee hearing when Susan Eisenhower, granddaughter of former President Dwight D. Eisenhower, objected to the youthful theme of the memorial. She said that was not in synch with Ike's concrete achievements in World War II and as President.

A year later on March 13 of this year Bishop introduced a bill (HR 1126) that would require a new design of a memorial for the President. Said Bishop on introducing his bill, "We need to reevaluate the current status of the project and find the best way forward toward building greater consensus. This legislation will help address funding concerns and will offer alternative designs for consideration. I am hopeful that these changes will help advance the project toward an outcome upon which all parties can agree."

But the American Institute of Architects (AIA) was furious at Bishop's proposed Congressional intervention into the commission's work. Said AIA Chief Executive Officer Robert Ivy, "Rep. Bishop's legislation allows Congress to exercise governmental authority in a wholly arbitrary manner that negates the stated selection process. It is nothing more than an effort to intimidate the innovative thinking for which our profession is recognized at home and around the globe. We intend to vigorously oppose it."

And Sen. Pat Roberts (R-Kan.), a member of the commission, said that starting over could delay construction of an Eisenhower Memorial by another decade. The current campaign began in 1999.

The Dwight D. Eisenhower Memorial Commission said about \$9 million has been spent thus far but no spadework has begun on the site just below the nation's Capitol and adjacent to the National Air and Space Museum.

Congress established the Dwight D. Eisenhower Memorial Commission in 1999 and has been providing seed money ever since. Gen. Carl W. Reddel, executive director of the commission, said 80 percent of the construction costs is

projected to come from Congressional appropriations.

Congress did not appropriate any money for the project in fiscal year 2013 so the proposal is pretty much at a stalemate.

The Park Service is an important bystander in this debate. When the Bishop subcommittee held a hearing on March 20, 2012, Stephen E. Whitesell, National Capital Regional Director of the Park Service, said, "The process for establishing memorials in Washington, as directed by the Congress, has worked very well to ensure that new memorials are thoughtfully considered, appropriately located, and beautifully designed. We expect that the Eisenhower Memorial, by virtue of the public process by which it is being established, will have all of these important characteristics and will be a source of pride for our entire nation."

Outdoor policy changes stand little chance in Farm Bill

They are long shots at best, but several outdoor policy amendments are candidates for consideration next week as additions to a giant Farm Bill (S 964).

On the docket are amendments to reauthorize the Federal Land Transaction Facilitation Act (FLTFA), to repeal the Forest Legacy Program managed by the Forest Service, and to limit federal wetland impairment permits to navigable waters.

Senate leaders are expected to identify by Monday which among hundreds of amendments to allow to come to the floor when the Senate resume work on S 964 June 3. (See related article page 3.)

Here are three of the many amendments to S 964 related to outdoor programs that have been introduced:

FLTFA: SA 1077 from Sen. Martin Heinrich (D-N.M.) would reauthorize FLTFA through the year 2020. FLTFA directs the Bureau of Land Management

(BLM) and Forest Service to sell excess lands and use the proceeds to acquire conservation lands. BLM has sold 27,000 acres under the program with the proceeds going to acquire 18,000 acres.

The law authorizes the Departments of Interior and Agriculture to allocate the revenues for land acquisition not only by BLM and the Forest Service but also by the Park Service and the Fish and Wildlife Service.

Heinrich has introduced his amendment as a stand-alone bill (S 368) and Rep. Cynthia Lummis (R-Wyo.) has introduced a counterpart House bill (HR 2068). FLTFA was first enacted in 2000, but expired on July 25, 2001.

In addition to the Lummis and Heinrich bills Senate-passed and House-passed Congressional fiscal year 2014 budgets (H Con Res 25 and S Con Res 8) recommend extension of the program, as does the Obama administration's fiscal year 2014 budget request.

The House budget would make one major change in the program: Rather than allocating all revenues to land acquisition, it would divert 70 percent to paying off the federal budget deficit.

Forest Legacy: SA 1018 from Sen. Mike Lee (R-Utah) would eliminate the Forest Legacy Program that is managed by the Forest Service. The program allocates money (\$53 million in fiscal year 2012) to acquire forest lands that are threatened by development.

For fiscal 2014 the Obama administration budget request recommends an appropriation of \$84.8 million, all of it from the Land and Water Conservation Fund. Says the Forest Service budget request, "The increase is a key component of the President's America's Great Outdoors Initiative to conserve important landscapes and reconnect Americans to the outdoors."

Wetlands: SA 1065 from Sen. Rand Paul (R-Ky.) would limit federal wetland impairment permits to navigable waters. The Obama administration and conservationists have advocated a more expansive policy that would require a

Section 404 permit from the Corps of Engineers and EPA for activities in all wetlands, navigable or not.

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.

The bill would also 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." The Corps of Engineers and EPA submitted a proposed policy revision to the White House more than a year ago that would authorize expanded permitting of non-navigable water bodies.

Notes

Court blocks lead gear suit. A federal court in Washington, D.C., May 23 threw out a lawsuit objecting to the use of lead for hunting and fishing equipment. (That does not include lead shot for waterfowl, which is banned.) The court heard environmental plaintiffs argue that EPA has a duty under the Toxic Substances Control Act (TSCA) to ban the use of lead because it harms wildlife. But the court agreed with the Obama administration, the National Rifle Association and other entities that the suit should be dismissed because EPA doesn't have jurisdiction under the TSCA to regulate the use of lead for fishing and hunting. The Center for Biological Diversity said it is considering an appeal of the court's action. Environmentalists in 2012 petitioned EPA to ban the use of lead bullets under TSCA. The Center for Biological Diversity's Jeff Miller said prior to the hearing held by the U.S. District Court in Washington, "Congress clearly gave the EPA authority to regulate toxic lead in hunting ammunition. There's

plenty of nonlead ammunition available on the market now, . . .” But after the hearing the National Shooting Sports Foundation had a different take. Said Lawrence G. Keane, senior vice president and general counsel for the foundation, “We are gratified that the court has found this second frivolous lawsuit, which is essentially the same as the one dismissed last year, was equally without merit. This was a waste of taxpayers’ dollars and EPA resources spent in having to defend a baseless lawsuit.” Numerous bills have been introduced in recent years in the House and Senate by both Democrats and Republicans to forbid EPA from issuing regulations to ban the use of lead in hunting.

Reid proposes major Nevada NCA.

Senate Majority Leader Harry Reid (D-Nev.) introduced legislation (S 1054) May 23 to designate a 350,000-acre Gold Butte National Conservation Area (NCA) adjacent to Lake Mead National Recreation Area. The Bureau of Land Management (BLM) would manage the NCA that would include 129,500 acres of wilderness. S 1054 would also designate 92,000 acres of wilderness within Lake Mead. Despite Reid’s standing the political outlook for the legislation is cloudy because his fellow Nevada Sen. Dean Heller (R) is not on board. And Nevada newspapers suggest Heller may not be coming on board any time soon because of traditional western concerns about locking up federal land. The legislation would withdraw the land from mining and energy development. Rep. Steven Horsford (D-Nev.) who represents the area intends to introduce a counterpart House bill. Said Reid on introducing his bill to protect the Clark County site, “Gold Butte is Nevada’s piece of the Grand Canyon. It is home to an amazing array of ancient Native American petroglyphs, historic mine sites, wild sandstone formations and critical wildlife habitat. As more and more people discover this remarkable place, we must protect these resources for future generations while continuing to allow recreational opportunities we enjoy today.” As the area has become more popular conservationists have begun to worry about general degradation.

Who will replace Markey on panel?

Rep. Peter DeFazio (D-Ore.) is next in line to take over as ranking Democrat on the House Natural Resources Committee if current ranking member Rep. Edward Markey (D-Mass.) is elected to the Senate next month. However, Rep. Raúl Grijalva (D-Ariz.) is making a long-shot run at the seat. Both DeFazio and Grijalva are staunch liberals. Grijalva is perhaps a bit more aggressive in his support of recreation. For instance Grijalva introduced legislation (HR 1834) May 6 to establish a national recreation commission. In addition 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). DeFazio in the last two years has concentrated on the twin issue of increased timber sales from public lands and federal payments to rural counties dependent on timber sales. Given Congressional deference to seniority, and an aggressive campaign by DeFazio, the Oregonian is expected to get the job.

Perkins to chair TRCP board.

David Perkins, vice chairman of the Orvis Company, will chair the board of directors of the Theodore Roosevelt Conservation Partnership (TRCP), the group said May 21. Orvis is Perkins’s family business. TRCP said Perkins is an avid fly fisherman and wing shooter. He serves on the board of the National Fish and Wildlife Foundation. TRCP member associations include most of the middle-of-the-road sportsmen and conservation groups in the country.

House moving military bills.

The House is expected to consider soon five bills to either withdraw public lands for military use in the West or transfer the lands to the military. The five include one controversial measure (HR 1673) that would transfer in perpetuity more than one million acres of Bureau of Land Management (BLM) property to a China Lake Naval Station in California. House Natural Resources Committee Democrats chafed at the China Lake transfer at a May 15 mark-up, contending the bill would effectively give the lands to the U.S. Navy permanently without further review. Rep. Raul Grijalva (D-Ariz.) offered a

substitute amendment that would extend an existing withdrawal for 25 years. It would allow the Navy to continue to use the lands. But he would keep the 1.045 million acres under BLM's management. The amendment was defeated by voice vote. Bill sponsor Rep. Kevin McCarthy (R-Calif.) said a quick and clean transfer was needed, instead of an extended withdrawal. The House Natural Resources Committee approved four other, less controversial measures May 15 to allow the military to use public lands in the West. The properties are: *Naval Air Station Fallon, Nev.*, 400-acre transfer; *White Sands Missile Range, N.M.*, 5,100-acre transfer; *Limestone Hills Training Area, Mont.*, 187,644-acre withdrawal; and *Chocolate Mountain Aerial Gunnery Range, Calif.*, 226,711-acre transfer.

Boxscore of Legislation

Appropriations Fiscal 2014

Obama submitted request April 10. Would increase most conservation spending and maintain federal agency spending. Asks guaranteed LWCF.

Congressional Budget Fiscal 2014

H Con Res 25 (Ryan), S Con Res 8 (Murray). House approved March 21. Senate approved March 23. Senate anticipates \$6 billion more for natural resources than House.

Appropriations Fiscal 2013

HR 933 (Rogers). President Obama signed into law March 26 as PL 113-6. Law approves appropriations through end of fiscal year at about fiscal 2012 levels, minus an \$85 billion sequestration.

Land and Water Conservation Fund

S 338 (Baucus). Baucus introduced February 14. Would guarantee \$900 million per year to program in perpetuity.

National recreation commission.

HR 1834 (Grijalva). Grijalva introduced May 6. Would establish a national recreation commission with members appointed by Congress and the White House.

National monuments

HR 250 (Chaffetz), HR 382 (Foxx), HR 432 (Amodei), HR 1434 (Daines), HR

1439 (Labrador), HR 151 (Pearce), HR 757 (Stewart), HR 1459 (Bishop), HR 1495 (Gosar), HR 2192 (Nunes), S 104 (Vitter), S 472 (Heller). House hearing April 16. Would require Congressional approval or state approval of national monuments designated under the Antiquities Act.

National heritage areas

HR 445 (Dent). Dent introduced February 1. Would establish national policy and national standards for heritage areas.

Montana wilderness/recreation areas

S 37 (Tester). Tester introduced January 23. Would designate 666,260 acres of wilderness, six recreation areas totaling 288,780 acres and special management areas totaling 80,720 acres.

Farm bill

S 964 (Stabenow), HR 1947 (Lucas). S 964 on Senate floor now. House committee approved HR 1947 May 15. Both would establish new farm policy through 2018, complete with conservation programs.

Hunting federal lands

S 170 (Murkowski). Murkowski introduced January 29. Would declare BLM and FS lands open to hunting and fishing unless specifically closed.

WRDA (Everglades)

S 601 (Boxer). Senate approved May 15. Would authorize new projects, perhaps including Everglades restoration.

Hatteras ORVs

HR 819 (Jones), S 486 (Burr). House committee approved May 15. Senate committee hearing April 23. Would rescind a Park Service policy limiting off-road-vehicles on the seashore.

National park in Delaware

HR 703 (Carney), S 347 (Carper). President designated national monument February 25. Provides a first national park in the first state to join the union.

Manhattan Project

HR 1208 (Hastings), S 507 (Cantwell). House committee approved April 24. Senate subcommittee hearing April 23. Would establish national park unit to acknowledge the Atom Bomb development.