

Federal Parks & Recreation

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LWCF a long shot to catch a ride on public lands measure

There is a chance, however small, that the Land and Water Conservation Fund (LWCF) will be renewed this year as part of a tax/spending bill from the Senate Finance Committee.

As envisioned by some lobbyists, finance committee chairman and LWCF friend Ron Wyden (D-Ore.) will write this year legislation that includes reauthorization of LWCF in a public lands package. The package would be paid for in large part, if not entirely, by federal land oil and gas royalties, which now finance LWCF.

In addition to LWCF the package may include Park Service maintenance, as well as county assistance programs such as payments-in-lieu of taxes (PILT) and Secure Rural Schools (SRS). Indeed lobbyists for the National Association of Counties and related groups are greatly interested in such a package.

PILT and LWCF are scheduled to expire at the end of fiscal year 2014 in September 2015 and SRS expired at the end of fiscal 2013. Congress now allocates more than \$400 million per year in PILT payments to counties with federal lands in their midst and more than \$300 million in SRS payments to counties with federal forests in their midst.

However, a spokesman for Wyden said that although the senator had spoken in the past of the advisability of authorizing such programs in one place, he had not begun work on legislation, per se.

"Sen. Wyden has said it makes sense to come together in one place to address community programs across the country and to create long-term

solutions for those community needs," said spokesman Keith Chu this week. "In concept he said that makes sense, but there is nothing yet as far as specific legislation."

Still, one PILT advocate, Paul Beddoe, deputy legislative director for the National Association of Counties, told us, "The game plan such as it is, we have asked appropriators to include PILT in an Interior spending bill because we have to proceed under the assumption the worst will happen." By the worst he means Congress would not give permanent approval to guaranteed money.

"At the same time we will continue to pursue a longer-term/permanent solution through authorizing committees," he said. "There have been ongoing discussions about a package with a number of big constituencies that would provide enough support to push it across the finish line."

Another veteran insider told us western senators have talked of a package of authorizing legislation based on offshore oil and gas royalties that would also include reauthorization of LWCF.

Such a package might receive broad support because it would team local officials with conservationists who back LWCF. Wyden talked publicly of such a package when he chaired the Senate Energy Committee last year.

Summed up Beddoe, "The chairman of the finance committee (Wyden) has levers that he can pull. I have a great deal of faith in Sen. Wyden. I'm confident we can work something out (on PILT)."

However, LWCF is anathema to many western Republican senators and House members who would be reluctant to swallow assistance for the fund as a price to pay for assistance for PILT and SRS. Of note ranking Senate Finance Committee Republican Orrin Hatch (R-Utah) is a long-time critic of federal land acquisition.

On the other side of the Hill, House Natural Resource Republicans

unleashed their usual attacks on LWCF April 3 when Secretary of Interior Sally Jewell presented the fiscal year 2015 department budget to them.

The Republicans showed little interest in meeting the administration's request for authorizing legislation that would guarantee \$900 million per year for LWCF.

Said chairman Doc Hastings (R-Wash.), "There is no better example of misplaced priorities than with the proposed full funding for the Land and Water Conservation Fund. Once again, the Department's budget emphasizes federal land acquisition over proper maintenance and care of the land it already owns. The National Park Service and U.S. Fish and Wildlife Service are facing billion dollar maintenance backlogs; this is where the Department should be using resources."

There are other hurdles and complications that boggle the mind. Above all there is the Congressional budget rule that requires offsets. For instance, while LWCF technically draws its money now from offshore oil and gas development, the money still must be appropriated annually, and a new law designed to guarantee the money would require an offset. That's where Wyden would be asked to work his magic with a package of tax measures.

The Obama administration has for the last two fiscal years recommended that Congress guarantee LWCF with \$900 million per year, drawing on new levies on the energy industry. For fiscal 2015 the administration requested \$187 million in regular appropriations for federal land acquisition and \$48 million for state grants from the fund.

The administration budget would also use LWCF appropriations for a group of other conservation programs managed by the Interior Department and the Forest Service.

Supplementing the \$350 million in regular appropriations, the administration asked for a guaranteed, permanent LWCF fund that would put up an additional \$550 million in fiscal 2015,

for a total of \$900 million. Under the administration plan all \$900 million for LWCF would be guaranteed in fiscal 2016.

Senate and House supporters of LWCF are now making their annual pitches to appropriators for fiscal 2015 assistance. The 175 House supporters noted that in the 50-year history of LWCF Congress had so under-appropriated the program that billions of royalties have been unspent.

"Unfortunately, over the 50-year history of LWCF, over \$18 billion of these funds have been diverted from their original conservation purpose," said the House members led by Reps. Mike Thompson (D-Calif.) and Michael Fitzpatrick (R-Pa.) in a March 31 letter. "This chronic problem has created a substantial backlog of conservation and recreation needs; has caused state, local, and federal land management agencies to postpone or cancel many important projects; and has created undue hardship for many property owners."

The counterpart Senate letter, prepared by Sens. Patrick Leahy (D-Vt.) and Richard Burr (R-N.C.), made the similar pitch to Senate appropriators. Fifty-one senators signed it.

In a possible different Republican initiative Sens. Lisa Murkowski (R-Alaska) and Tom Coburn (R-Okla.) have talked about renewing LWCF but with a twist - they would use some offshore oil and gas royalty money normally allotted to LWCF for Park Service maintenance.

Little new for rec in big administration highway bill

The Obama administration April 29 recommended its version of a four-year surface transportation bill that would extend most outdoor programs.

The administration threw in a few new twists, such as a proposed \$150 million program for major, major federal and tribal road projects. They would be jobs that are too expensive for the regular federal and tribal lands transportation project money.

Although the Department of Transportation (DoT) made much of climate change in submitting the draft bill to Congress, it did not mention at all the contribution of trails, bicycle commuting or walking as transportation alternatives to lower carbon emissions.

DoT simply said the Grow America Act, as it is titled, "encourages transportation choices that eases (sic) congestion on the Nation's highways and improves the quality of life for communities."

Perhaps the most significant aspect of the proposal nationally and, more parochially, for park and rec programs, is its funding mechanism. The proposal would make available for surface transportation programs \$150 billion in new money, bringing the four-year recommendation for a transportation bill to \$302 billion.

By restructuring the federal tax code it would boost total surface transportation funding from the current \$46 billion per year to \$75 billion.

The administration recommendation, at <http://www.dot.gov/grow-america>, will now become grist for the Congressional committees that intend to write a new multi-year surface transportation law this year. However, given the great divide between the administration and Congressional Republicans on how to pay for a bill, Congress may end up extending the existing law.

That law, Moving Ahead for Progress in the 21st Century (PL 112-141 of July 6), also known as MAP-21, financed surface transportation programs for fiscal years 2013 and 2014. It also consolidated such outdoor programs as transportation enhancements, recreational trails and Safe Routes to Schools into the Transportation Alternatives line item.

In the Senate Environment and Public Works Committee Chair Barbara Boxer (D-Calif.) and ranking Republican David Vitter (R-La.) last month tentatively agreed on principles in a new bill, but they did not divulge any details. Boxer has said repeatedly that

her committee would produce a draft bill in April, a deadline that is long gone. She now talks of bill introduction next week.

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.

However, the really hard work does not fall to those committees but to the committees that must produce the money to pay for the bill, such as Ways and Means in the House and Finance in the Senate.

On the recreation front the MAP-21 allocation to the Transportation Alternatives Program is \$760 million per year, or about a \$200 million decrease from prior years. In addition the programs must compete with each other and with other programs for the \$760 million.

Congress did set aside \$85 million of the transportation alternatives money for a Recreational Trails Program (RTP). However, MAP-21 also allows states to opt out of RTP, and in fiscal 2013 Florida and Kansas did so. In fiscal 2014 Florida did.

On May 2, twenty-four senators wrote Boxer and Vitter and asked them to keep RTP going as a separate entity. They said RTP pays for itself from gasoline taxes on powered recreation equipment.

"Motorized trail users pay into the Highway Trust Fund (HTF), but the portion of revenue returned to the states from the HTF is used to develop and maintain trails and trail-related facilities for both motorized and non-motorized purposes," wrote the senators, led by Sens. Amy Klobuchar (D-Minn.) and Jim Risch (R-Idaho). "That means snowmobilers, off-highway motorcyclists, all-terrain vehicle riders benefit from RTP funds just as hikers, equestrians, bicyclists, and cross country skiers do."

The administration's new four-year proposal would make some changes in

the federal and tribal lands programs. In MAP-21 the federal lands program received 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.

The new National Significant Federal Lands and Tribal Projects Program 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.

House approves modest NPS Centennial coin legislation

The House April 29 gave a small boost to the campaign to upgrade the National Park System before its 100th birthday in 2016 by approving a commemorative coin bill.

The legislation (HR 627) from Rep. Erik Paulsen (R-Minn.) and a phenomenal 307 cosponsors would authorize the Treasury Department to mint \$5 gold coins, \$1 silver coins and half-dollar coins during calendar year 2016.

The bill would also assess a huge surcharge on each minting - \$35 for each dollar coin, \$10 for each silver coin and \$5 for each half-dollar coin. By our math if all coins were sold, the program would bring in \$13,625,000. The money would be used by the National Park Foundation to preserve the parks and enhance the enjoyment of visitors.

However, the \$13 Million gleaned from the program is a mere pittance given the \$11 billion - and growing - maintenance backlog of the National Park System.

Still, sponsors such as Rep. Patrick Murphy (D-Fla.) were effusive in their praise of the legislation. "National parks are not only crucial to preserve our natural, historic, and cultural treasures, but they are also economic engines to job creators," he said. "They generate tens of billions in revenue and support hundreds of thousands of jobs nationwide. This bill will help maintain and promote many beautiful and important parks in our country, such as Everglades National Park, which is located near the district I am proud to represent."

Despite the 307 cosponsors, 13 House members voted against HR 627, with 403 for it. None of the opponents made a statement on the floor. Among the opponents was Rep. Don Young (R-Alaska), whose state hosts more acres of national parks than any other.

In the Senate Sen. Mark Warner (D-Va.) and again a phenomenal 73 cosponsors have introduced a counterpart bill (S 1158), which has yet to move.

As *FPR* has often reported Democratic and Republican senators in the Senate Energy Committee have been discussing for the last couple of years a major new National Park System endowment to be matched dollar-for-dollar with non-federal money, perhaps worth as much as \$1 billion per year.

Senate Finance Committee Chairman Sen. Ron Wyden (D-Ore.), who is also a member of the Senate Energy Committee, Sen. (Mark) Udall (D-Colo.), Sen. Rob Portman (R-Ohio), Sen. Lisa Murkowski (R-Alaska) and others are reportedly in discussions about the legislation.

On its own behalf the Park Service March 24 presented an overarching theme to guide the implementation of its 2016 Centennial campaign. It's called 'Find Your Park.'

NPS will use the theme in

partnership with the National Park Foundation and other entities to boost visitation to the national parks. The announcement effectively carried out the recommendations of the PR firm Grey New York, which reportedly received \$2 million for its efforts.

That recommendation will have NPS, the foundation, concessioners, conservationists and other partners use the Find Your Park theme to, as NPS said, "produce programs, events, and activities that will drive broad awareness, deepen engagement, and increase support for America's national parks, the work of the National Park Service, and its partners."

Sen. Jack Reed (D-R.I.) has indirectly expressed some optimism that the fiscal year 2015 appropriations portion of an ambitious Park Service Centennial budget request could be met. Reed chairs the Senate subcommittee on Interior appropriations.

However, the appropriations portion of the more than \$600 million increase for the Centennial only amounts to \$40 million. Authorizing committees must put up the rest of the money, which Reed does not control.

GOP inquiry: From the other side of the aisle Senate Republicans appeared to hit the Centennial pause button March 31, asking the Government Accountability Office (GAO) to investigate NPS spending. Led by ranking appropriations subcommittee Republican Lisa Murkowski (Alaska), three senators asked GAO to analyze NPS spending, the agency's maintenance backlog and its fee collection program.

Murkowski is of course at war with the Interior Department over a Dec. 23, 2013, decision not to approve a road across the Izembek National Wildlife Refuge to the community of King Cove in Alaska.

Murkowski didn't mention the road controversy as a reason for the request for the GAO investigation. Cosigning the letter to GAO were Sens. Tom Coburn (R-Okla.) and Mike Enzi (R-Wyo.)

Court hands Utah setback in its fight for RS 2477 ROWs

A federal appeals court ruled April 25 that a state must prove the public intensely used a way across a national park over a decade to lay claim to it as an RS 2477 right-of-way (ROW).

The appellants - the State of Utah and San Juan County, Utah - argued for a lesser standard, i.e. they should only have to prove the public used the way when it was either convenient or necessary.

But the Tenth U.S. Circuit Court of Appeals said the standard of proof went even further because the RS 2477 law also requires some "construction of highways."

This is the latest in a long, long series of thousands of legal claims to RS 2477 ROWs across public lands offered by states and counties around the country. The State of Utah is leading the way with 20,000 assertions.

In the case before the Tenth Circuit, a U.S. District Court judge in Utah had ruled that the state and San Juan County had not proved their right to obtain control of the Salt Creek Road in Canyonlands National Park.

In 1866 Congress enacted the RS 2477 Statute that authorized states and counties to construct highways over public lands. In 1976 Congress terminated the statute but reserved for states and counties the right to claim pre-1976 roads, if they could prove the roads had been used.

In this instance the state and county said the public had used the 12.3 miles of the Salt Creek Road continuously for 10 years before Congress established Canyonlands National Park in 1964. The state and county want to keep the road open to provide motorized access to several scenic sites in the park. The only access alternative is a nine-mile trek.

But a two-judge panel of the Tenth Circuit (a third judge worked on the case but died before it was posted) said

for a number of reasons the state and county had not proved intense use over a decade.

Said the circuit, "The intensity of public use remains a pertinent component in determining the existence of a public thoroughfare. The district judge did not err in considering it." Although the appeals court mentioned the need for construction work on an RS 2477 ROW, it did not explain that reference.

The Southern Utah Wilderness Alliance, an amicus participant in the lawsuit, welcomed the appeals court decision, and said it should persuade the state and county to discontinue their lawsuits. "The Circuit Court's decision should be a wake-up call for the State to drop its quixotic quest claiming cowpaths, two-tracks and streambottoms as highways," said Stephen Bloch, legal director for the alliance.

Environmentalists said the decision would also keep off-road vehicles out of the park. "With the Tenth Circuit's ruling, Salt Creek will remain a place of quiet beauty, with healthy wildlife habitat and clean water, unpolluted by the hundreds of jeeps that used to churn through the stream every year," said Heidi McIntosh, managing attorney at Earthjustice's Rocky Mountain office who represented conservation groups that participated in the case.

The state and county brought their lawsuits under the Quiet Title Act, which the circuit court ruled several years ago sets the procedure for attempting to establish rights to RS 2477 ROWs. As opposed to adjudication by a federal land management agency.

Jewell reinvigorates AGO campaign to get kids outdoors

Step-by-step Secretary of Interior Sally Jewell is building a broad policy to encourage young people to visit the outdoors, both on federal lands and on urban/suburban lands.

Most recently on April 28 Jewell joined the National League of Cities

and the YMCA in a joint campaign to, among other things, provide recreational opportunities for more than 10 million young people.

The campaign will carry out a portion of a Secretarial order of March 20 that commits the Interior Department to lure young people to the outdoors, particularly millennials, those people born between the early 1980s and the early 2000s.

Said Jewell on announcing the campaign with the cities and the YMCA, "The millennial generation is more urban and diverse, but more disconnected from nature than any generation before. In a time of constrained resources, we need to work collaboratively with partners to engage the next generation in outdoor experiences."

Under the agreement the Interior Department will encourage officials in the Park Service, the Fish and Wildlife Service, and the Bureau of Land Management to work with cities and YMCAs to get young people outdoors.

The National League of Cities will provide technical assistance to cities to raise the profile of the campaign and to enlist member cities. The mayor of Saint Paul, Minn., Chris Coleman, signed the agreement. He is also president of the National League of Cities.

Enlisting on behalf of the YMCA is association President Neil Nicoli. "From camp to environmental education, the Y helps children and teens grow - physically, mentally, and socially - from young children into engaged, active members of their communities," said Nicoli. "Working with the Department of the Interior and National League of Cities will help us expand these opportunities to a generation of youth who lack access to the outdoors."

Nicoli, Coleman and Jewell signed a memorandum of understanding (MOU) that commits the three organizations to encourage youth to play, learn, serve and work in the outdoors.

"In an effort to connect more youth to public lands, DOI will

develop or enhance outdoor recreation partnerships in a total of 50 cities over the next 4 years," says the MOU. "Through these partnerships, DOI will create new, systemic opportunities for outdoor play for over 10 million young people."

The MOU envisions educating 10 million children about the outdoors, lining up one million volunteers on the public lands and providing work for 100,000 young people on the public lands

Although attracting young people to the outdoors is already a central element of President Obama's 2011 America's Great Outdoors (AGO) initiative, Jewell has given it special emphasis.

As for AGO, it laid down this marker in a seminal 2011 report: "A decline in physical activity has contributed to soaring obesity rates among America's young people. In the past thirty years, childhood obesity rates have tripled, and now one third of American children are overweight or obese, and therefore more susceptible to heart disease, asthma, cancer, and other health conditions."

AGO went on, "Recreation in the outdoors is an antidote to many of these health risks, and research indicates that regular exposure to nature lowers stress, cultivates creativity, and builds self-confidence among young people."

USDA starts to pump out Farm Bill conservation money

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).

Vilsack said of the easements, "By

protecting working lands and wetlands, we're able to strengthen agricultural operations, sustain the nation's food supply and protect habitat for a variety of wildlife."

Of the Open Fields program he said, "In addition, we're providing states and Tribal governments a tool to expand access to private lands for hunting, fishing, hiking and other recreational activities, which helps boost wildlife-related businesses and grow the economy."

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.

According to the Congressional Budget Office the Farm Bill will distribute \$28.2 billion to conservation programs over the five years, beginning with \$5.4 billion in this fiscal year 2014 and increasing to \$5.8 billion in fiscal 2018.

For the Agricultural conservation easement program the bill sets aside \$400 million in fiscal 2014, \$425 million in fiscal 2015, \$450 million in fiscal 2016, \$500 million in fiscal 2017 and \$250 million in fiscal 2018.

For the Open Fields program, also known as the Voluntary Public Access and Habitat Incentive Program (VPA-HIP), the law authorizes \$20 million for fiscal 2014. VPA-HIP allocates money to states for projects that make private lands available to hunters and anglers.

Hunters and anglers are pleased. "By including VPA-HIP in the new Farm Bill, Congress sent a clear message that establishing public access for recreation is a priority," said Theodore Roosevelt Conservation Partnership Director of Government Relations Steve Kline. "Now, by making VPA-HIP one of the first conservation programs from the bill to be implemented, Secretary Vilsack is demonstrating his commitment to enhancing access for hunters and anglers, showing as well that USDA leadership understands the economic importance of outdoor recreation."

The Farm Bill also included these two outdoor programs, among several in the law:

CONSERVATION RESERVE PROGRAM: PL 113-79 establishes a maximum ceiling on the number of acres set aside by farmers in conservation reserves of 27.5 million in fiscal 2014, 26 million in fiscal 2015, 25 million in fiscal 2016, 24 million in fiscal 2017 and 24 million in fiscal 2018.

EQIP: EQIP gives financial and technical assistance to agricultural producers through contracts up to a maximum ten years. The law allocates \$1.35 billion in fiscal 2014 increasing gradually to \$1.75 billion in fiscal 2018.

Court backs forest rec visitors on HIRA fees

A federal judge April 28 reinforced a previous court decision holding that the Forest Service may not charge a fee for entrance to a broad area that includes developed and undeveloped recreation sites.

The court and a previous court held that the service may charge fees to enter individual developed sites, but not to broad areas called high impact recreation areas (HIRAs).

Although the Forest Service has begun to eliminate HIRA fees, the judge April 28 held that the service was still erroneously charging a fee for an Adventure Pass to recreation areas in four national forests in Southern California. And that the fee just to park is not legal.

"To demonstrate mootness, the defendants must establish that 'interim relief or events have completely and irrevocably eradicated the effects of the alleged violation,'" held U.S. District Court Judge Terry J. Hatter Jr. in the U.S. District Court for Central California. "However, even if the Forest Service has already made, or will make, all the changes it alleges, its new Adventure Pass program still violates the REA because it continues to require fees when Plaintiffs and the

public do not use any facilities and services, in contravention with Adams.”

The Adams reference points to a Feb. 9, 2012, decision of the Ninth U.S. Circuit Court of Appeals, *Gaye Adams, et al, v. Forest Service*, that ruled HIRA fees illegal.

The courts here are attempting to interpret the Federal Lands Recreation Enhancements Act of 2004 (FLREA). It authorized the Forest Service and BLM to charge entrance fees to developed recreation areas, but it also forbid fees for a list of other specific uses, such as parking.

In the present case plaintiffs simply parked in an area with developed sites but did not use them. Said Judge Hatter, “Adams is quite clear. The Forest Service is prohibited from charging a fee solely for parking. If a visitor does nothing other than park, the fee is solely for parking and is, therefore, plainly prohibited by (FLREA).”

Hatter’s decision, <http://www.westernslopenofee.org/pdfuploads/32-Order%20on%20SJ.pdf>, arrives just as Congress is beginning to revise and/or extend FLREA, which expires on Dec. 8, 2015. Recreation visitors, championed by the Western Slope No-Fee Coalition, are asking Congress to eliminate FLREA.

The House subcommittee on Public Lands is taking the lead in writing a bill to revise/extend FLREA. It has produced a draft measure similar to FLREA and held a hearing on it April 4. It is understood the subcommittee under chairman Rep. Rob Bishop (R-Utah) is now preparing a bill for formal introduction.

The counterpart Senate subcommittee on National Parks and subcommittee on Public Lands have been less active. The former chairman of the Senate Energy Committee Ron Wyden (D-Ore.) had been committed to acting this year but he has ceded the chairmanship to Sen. Mary Landrieu (D-La.) She has done little about it.

Supporters of FLREA – most of

the park and rec establishment – believe they may have to rely on Senate subcommittee chairs to take the lead, such as subcommittee on National Parks Chairman Mark Udall (D-Colo.)

Thus far, the major players in the game, except for forest recreation users, have generally supported Bishop’s initiative. Supporters include the Obama administration, industry, outfitters and environmentalists. The basics include entrance fees, return of fee revenues to agencies, inclusion of the Corps of Engineers and a transparent process.

Although FLREA does not expire until late in 2015 the Interior Department and the Forest Service told the Bishop subcommittee that they need a year to plan projects that are financed by fee revenues, so passage of a bill this year is crucial.

Bishop and ranking full committee Democrat Peter DeFazio (D-Ore.) said in a joint statement last month that renewal of FLREA would not be a partisan issue.

The draft committee bill is available at: http://naturalresources.house.gov/uploadedfiles/3-04-14_firea_discussion_draft.pdf

WRDA conference agreement with Everglades help imminent

House and Senate conferees are THIS close to completing a water resource bill that includes a go-ahead for several major Everglades projects, according to press reports. Because of broad bipartisan support for the initiatives in the bill, the conference agreement should lead to final passage.

Although the House and Senate bills differ on crucial provisions, on perhaps the lead outdoor issue – authorization of the next generation of projects to restore the Everglades ecosystem – they are in substantial agreement. The House bill would explicitly authorize four Everglades projects that would cost more than \$1.8 billion. Half of the \$1.8 billion would

come from federal money and half from State of Florida money.

Meanwhile, the Corps of Engineers April 30 announced that it had reached an agreement with the State of Florida to clear the way for two large, previously-authorized Everglades restoration projects.

The Corps of Engineers 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.

"The C-111 project is of great importance to us as far as the loss of water in the Everglades goes," said Caroline McLaughlin, Biscayne restoration program analyst for the National Parks Conservation Association.

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.

Said Florida Gov. Rick Scott (R) of the agreement with the Corps, "We must do everything it takes to restore water quality and send the water south - and today's action is another step forward to better protecting the natural treasures families rely on."

Now Floridians are waiting on Congress to approve the next generation of CERP projects in the conference agreement on WRDA.

A House-passed WRDA bill would authorize these four Everglades projects:

* Caloosahatchee River West Basin Storage Reservoir, \$594 million (\$297 million federal, \$297 million state),

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

* Broward County water preserve area, \$866 million (\$433 million each), and

* C-111 Spreader Canal, \$180 million (\$90 million each).

Sen. Bill Nelson (D-Fla.) and Reps. Alcee Hastings (D-Fla.) and Mario Diaz-Balart (R-Fla.) put the four Everglades projects into stand-alone bills (S 414, HR 913) in February with slightly less authorization amounts.

Agencies project big fire-fighting deficit this year

The Forest Service and Interior Department said May 1 that they anticipate spending \$470 million more on fire fighting this coming season than Congress has appropriated.

The agency report, prepared at the request of Congress, projects fire-fighting costs of \$1.8 billion in this fiscal year and fire-fighting appropriations of \$1.4 billion. The agencies said the higher cost projections result in part from several years of drought, particularly in California.

Under Secretary of Agriculture for Natural Resources and Environment Robert Bonnie said, "While our agencies will spend the necessary resources to protect people, homes and our forests, the high levels of wildfire this report predicts would force us to borrow funds from forest restoration, recreation and other areas."

The report puts pressure on Congress to act on an administration proposal - backed by bipartisan House and Senate bills - to pay for expensive emergency fires out of a disaster account. The disaster account could free up hundreds of millions of dollars per year for fire suppression and other

appropriations bill needs.

Bonnie said the proposal "would solve (the underfunding) problem and allow the Forest Service to do more to restore our forests to make them more resistant to fire."

Senate Finance Committee Chairman Ron Wyden (D-Ore.) said the report argues for quick action on the Congressional legislation. "Today's news makes clear that the federal government has to change the way it funds firefighting and it needs to be done now," he said. "It is time to break the destructive cycle that underfunds fire prevention and shorts forest management and start treating the largest wildfires that rage across the West every year for what they are - natural disasters."

However, Sen. Lisa Murkowski (R-Alaska) at an April 30 Senate Appropriations subcommittee on Interior hearing expressed concern about the fire budget proposal, ostensibly because by setting aside money under a disaster account in the Congressional budget it would remove disciplines on the spending of that money. "I do share the goal of a fire account adjustment, but I do have concerns whether in its current form it is a fiscally responsible way to proceed," she said.

Murkowski sort of echoes House Republican worries. The House Republicans dealt the proposal a setback April 10 by approving a fiscal 2015 Congressional budget (H Con Res 96) that rejects the proposal, arguing that fire-fighting expenses should be paid out of regular appropriations.

Forest Service Chief Tom Tidwell responded to Murkowski's concerns by noting that the agency has reduced forest management staff by 49 percent in the last 10 years while still making the same outputs. "Sen. Murkowski, we do want to work with the committee on finding a solution of this," he said, calling the administration proposal a "very good starting place."

Likewise appropriations subcommittee Chairman Jack Reed (D-R.I.)

praised the proposal. "We all agree that the federal government has a responsibility to fight fires on federal lands, but we can't continue down the path we have used with the present budget cap because it puts in jeopardy the rest of the Forest Service mission," he said. "That is why what you have done, chief, in the budget proposal to move a portion of the spending into the disaster cap is such a great step forward."

As Bonnie said, when the agencies spend more money for fire fighting than they have on hand, they must borrow money from line operations. While Congress often repays the agencies eventually, those programs are severely handicapped.

Bipartisan bills to establish the emergency accounts have been introduced in the Senate and the House (S 1875, HR 3992).

Notes

Washington Monument reopening set.

After closing the Washington Monument for nearly three years for \$15 million in repairs, the Park Service will reopen the Washington, D.C., landmark Monday (May 12). Such luminaries as Al Roker, television weatherman, will attend 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.”

BLM may redo planning rules. The Bureau of Land Management (BLM) said May 5 that it intends to revise its planning guidance to manage its lands on a landscape level and to expedite completion of plans. Said BLM Director Neil Kornze, “We’re listening to (the public) and we are stepping forward to improve the way we work so we can make our process more flexible in planning across landscapes, more dynamic and responsive to change and less time consuming.” Under the Federal Land Policy and Management Act of 1976 BLM field offices prepare resource management plans to set parameters of land uses. The agency sets standards for the individual field office plans in a national rule. For now BLM is conducting a review in anticipation of revising the existing rule. The bureau said intends to eventually replace its planning regulations. Among other things BLM says it might develop a system to quickly revise plans through amendments. The Forest Service of course went through a contentious, multi-year revision of its planning guidance, resulting in the completion of a new planning rule on March 23, 2012. It governs the preparation of individual unit plans for the 155 national forests and 20 grasslands in the National Forest System.

Schneider confirmed to DoI post.

The Senate May 1 confirmed the nomination of attorney Janice M. Schneider as assistant secretary of Interior for Land and Minerals Management. She will set policy for the Bureau of Land Management (BLM), among other things. President Obama announced his intention to nominate Schneider fully six months ago on Nov. 6, 2013. Schneider’s nomination was paired with the more problematic nomination of Rhea Suh as assistant secretary of Interior for Fish and Wildlife and Parks. Suh’s nomination has been held up in part by ranking Senate Energy Committee Republican Lisa Murkowski (R-Alaska), who has repeatedly questioned Suh’s qualifications. The Senate Energy Committee March 27 approved Schneider by an 18-to-4 vote and Suh, barely, by 12-

to-10. Schneider worked most recently as a partner at Latham & Watkins LLP in Washington, D.C., where she chaired the firm’s Environmental, Land & Resources Department. Suh’s nomination may fade away because the department has announced that it has withdrawn the nomination of Tommy Beaudreau to Suh’s current position as assistant secretary of Interior for Policy. That will allow Suh to remain where she is.

Conservation easements backed.

Sen. Ron Wyden (D-Ore.) formally introduced in bill form April 28 legislation (S 2261) that would extend through 2014 and 2015 a tax incentive to donate conservation easements to the government. The Senate Finance Committee last month approved the provision to extend the easements. The old law ran from 2006 through December 2013. The provision is part of a “doable” tax package the committee approved to extend old tax incentives. The Land Trust Alliance is all in. Said Rand Wentworth, president of the alliance, “We will continue to push for making this incentive permanent, so that landowners can give conservation due consideration without racing a tax deadline or being unsure of what the results of their conservation commitment would be.” The alliance says under the old law, in effect from 2006 through December 2013, farmers and other landowners protected as much as 1 million acres per year. The provision would allow landowners to deduct up to 50 percent of their adjusted gross income from taxes each year if they donated a conservation easement. Still in place is an older law that allows donations of up to 30 percent of adjusted gross income.

FS retired cops complain.

A coalition of retired Forest Service law enforcement officials May 6 asked Secretary of Agriculture Tom Vilsack to replace Forest Service Director of Law Enforcement and Investigations David L. Ferrell. The retirees complained about ticket quotas, pay raises for managers but not for line officials, and a 15 percent budget cut. The 52 retirees had earlier asked Forest Service Chief Tomas Tidwell to remove Ferrell. “Director David Ferrell has lost the confidence and

respect of 80 percent of the officers he is supposed to be leading - a colossal failure of inspiring and motivating your workforce," said Jack Gregory, the retired Special Agent-in-Charge for the Southeastern Region. "We could no longer simply stand by and watch the program to which we dedicated our professional lives slowly be destroyed." After meeting with Forest Service law enforcement officials April 11 Tidwell said he would evaluate their complaints and conduct a work environment assessment. But the retirees said that is not good enough.

China Lake withdrawal back. Rep. Kevin McCarthy (D-Calif.), unable to persuade Congress last year to transfer permanently 1 million acres of public land in California to the U.S. Navy, gained a little traction yesterday (May 8). He persuaded the House Natural Resources Committee to pass a bill (HR 4458) to withdraw the land permanently and to withdraw additional acreage. Recreation is one of the priority uses of the million acres. Last year McCarty unsuccessfully pursued legislation (HR 1673) to transfer - not withdraw - the land to the Navy Department permanently. Congress did eventually approve legislation to withdraw the million acres of the Naval Air Weapons Station at China Lake through March 31, 2039 (PL 113-66 of Dec. 26, 2013), but Congress rebelled at the outright transfer. In PL 113-66 Congress also approved extended withdrawals for the Limestone Hills Training Area in Montana; the Marine Corps Air Ground Combat Center in Twentynine Palms, Calif.; the White Sand Missile Range in New Mexico and Texas; and the Chocolate Mountain Aerial Gunnery Range in California.

Grijalva enters states rights debate. Rep. Raúl M. Grijalva (D-Ariz.) April 16 asked the Interior Department Inspector General to investigate the role of the American Legislative Exchange Council (ALEC) in writing states rights legislation. ALEC, a conservative alliance, helps state legislatures draw up bills favorable to its members. Western states have long chafed at the federal presence within their borders and several state legislatures have begun to address

legislation to obtain control of those federal lands. Most notably, the State of Utah in March 2012 enacted legislation that requires the federal government to turn all 30 million acres of federal lands in Utah over to Wyoming. That includes national parks, Bureau of Land Management-managed lands, national forests, wilderness areas and the Grand Staircase Escalante National Monument. While interest groups are of course free to draft legislation on behalf of individual legislators, Grijalva said ALEC goes too far. "The ALEC vision of state sovereignty trumping long-standing federal government efforts to manage public lands has already had tangible effects on (BLM) and other agency employees' efforts to do their jobs," he said. "Examining how severe that impact has been, and whether ALEC is exerting undue influence on federal land management efforts, is well within the scope of [the inspector general's] office. I believe a timely examination of these issues would serve the public interest."

Feds name 4 national landmarks. Secretary of Interior Sally Jewell announced last month that the Interior Department has nominated four new sites as national historic landmarks. The sites include (1) the Adlai E. Stevenson II Farm in Mettawa, Ill. (Stevenson was a former senator and Presidential candidate); (2) the Detroit Industry Murals in Detroit, Mich. (Mexican artist Diego Rivera assembled the murals in 1932 and 1933); (3) the George Nakashima Woodworker Complex in Buck County, Pa. (Nakashima was a renowned furniture designer); and (4) the Grand Canyon TWA-United Airlines Aviation Accident Site, Grand Canyon National Park, Ariz. Partners to the Park Service submit nominations to the National Historic Landmarks list and those nominations are revised by the National Park System Advisory Board. The board then submits recommendations to the Interior Department. There are now 2,540 historic landmarks across the country.

Come on, Park Service. Once again, the Park Service is acting less than responsibly in announcing major events in the *Federal Register* long after the events have taken place. As

we have complained before NPS all too often posts notices in the register that took place weeks and months before. This time around on April 30 NPS announced the availability of a final EIS and management plan for the Golden Gate National Recreation Area in California. The gullible public will be surprised to learn the planning and EIS documents were actually dated FOUR months ago, on Dec. 27, 2013.

Boxscore of Legislation

Appropriations fiscal 2015

No bill yet. President Obama submitted a budget request to Congress March 4 that would in general increase natural resources spending. For NPS Centennial it proposes more than \$600 million in increases.

Congressional Budget Fiscal 2015

H Con Res 96 (Ryan). House approved April 10. Would stick with December budget agreement. Opposes LWCF guarantee. Opposes emergency fire-fighting account.

Appropriations fiscal 2014 (All agencies)

HR 3547 (Lamar Smith). President Obama signed into law January 17 as PL 113-76. Law appropriates modest across-the-board increases for park and rec programs.

Federal land recreation fees

No bill yet (Bishop). Bishop draft now circulating that would continue entrance fees, user fees and passes. Obama budget asks Congress to approve permanent law.

Land and Water Conservation Fund

S 338 (Baucus), HR 2727 (McKinley). Baucus introduced February 14. McKinley introduced July 18. Baucus would guarantee \$900 million per year to program in perpetuity. McKinley would guarantee state grants received at least 40 percent of annual appropriations.

Urban park fund

HR 2424 (Sires). Sires introduced June 18. Would authorize HUD grants and HUD loans to provide assistance to urban parks.

National recreation commission.

HR 1834 (Grijalva). Grijalva introduced May 6. Would establish a national rec 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 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 954 (Stabenow), HR 2642 (Lucas). President Obama signed into law (PL 113-79) February 7. Establishes new farm policy for five years and finances conservation programs.

Sportsmen's packages

HR 3590 (Latta), S 1996 (Hagan). House approved February 5. Hagan introduced February 4. Measures include numerous individual bills, including designation of public lands as open-unless-closed to hunting and fishing.

Hunting federal lands

S 170 (Murkowski), HR 1825 (Benishak). Murkowski introduced January 29. Included in sportsmen's packages above. House approved February 4. Would declare BLM and FS lands open to hunting and fishing unless specifically closed.

WRDA (Everglades)

S 601 (Boxer), HR 3080 (Shuster). Senate approved May 15. House approved October 23. Both would authorize new projects, including Everglades restoration.