

Federal Parks & Recreation

Editor: James B. Coffin

Subscription Services: Gerrie Castaldo

Volume 31 Number 22, November 15, 2013

In this issue. . .

Top-line spending decision a key.

Appropriators ask House-Senate budget conferees to set ceiling by December 2. That would open the way for spending bills. Also call for sequestration end.. Page 1

DoI campaign addresses Millennials.

Jewell says younger generation does not visit the outdoors. Four-pronged campaign will rely on partners to help pay..... Page 3

Jewell asks Congressional action.

On wild lands and on money bills. Suggests Obama will designate monuments if Hill doesn't move. She blasts House on money... Page 4

Court OHV ruling closely watched.

Faults BLM OHV travel plan in Southern Utah on two points. Does it set a precedent?.... Page 6

White House moving on DoI cadre.

Says will nominate Kornze to head BLM, three assistant secretaries. All require Senate okay..... Page 7

Sportsman bill hits sequestration.

Hunting, fishing bill would exempt P-R and D-J henceforth..... Page 8

WRDA bills' critics are emerging.

Enviros object to numerous projects, expedited reviews.... Page 10

Farm bill faces tight schedule.

Conferees have about three weeks left. Lots to dispute..... Page 12

Notes..... Page 13

Conference calendar..... Page 15

Appropriators request budget action; OMB assesses shutdown

Senate and House appropriations leaders from both parties are teaming up to pressure their budget colleagues to come up with a total spending ceiling for fiscal year 2014, ASAP.

Senate Appropriations Committee Chairwoman Barbara A. Mikulski (D-Md.) and House Appropriations Committee Chairman Hal Rogers (R-Ky.) told leaders of a House-Senate budget conference committee that a spending cap is needed by December 2 at the latest. The budget conference has a December 13 deadline to finish its work. The appropriators in turn have until January 15 to produce full-year, fiscal 2014 spending bills.

"The December 13 budget conference target date leaves only a month to conference the 12 appropriations bills, pass them in the House and the Senate, and have them signed into law before the current Continuing Resolution expires," Mikulski and Rogers wrote a fortnight ago.

Further, in setting the cap Mikulski asked the budget conferees to eliminate a projected automatic budget sequestration, which is on schedule to chop \$100 billion out of fiscal 2014 spending. "I am hopeful that the budget conference will agree on a number that replaces sequester sooner rather than later," she said.

The budget conference was set up by an interim spending law (PL 113-46 of September 16) that finances the federal government through January 15. The law directed House and Senate budget conferees to produce a Congressional budget by December 13.

The conference committee met most recently November 13 under cochairs Rep.

Paul Ryan (R-Wis.), chairman of the House Budget Committee, and Sen. Patty Murray (D-Wash.), chair of the Senate Budget Committee. They promised to keep meeting.

But Ryan sounded pessimistic about striking a deal. "There is a big gap between (House and Senate) budgets and that's why we are talking," he said at the meeting. "We have spent a lot of time talking about our differences. We have that down cold. The hard part is figuring out where we agree."

Murray was a bit more optimistic. "I have been very encouraged by (our) conversations," she said. "They are going to continue in the days ahead. I am hopeful we can reach a bipartisan compromise very soon."

Meanwhile, a coalition of 500 recreation and conservation groups November 13 asked Congressional leaders to spare discretionary spending in a budget deal.

The coalition, which goes by the name America's Voice for Conservation, Recreation and Preservation, wrote Senate Majority Leader Harry Reid (D-Nev.) and Speaker of the House John Boehner (R-Ohio): "Thus, we believe that it is necessary to address the structural causes of the deficit in a comprehensive way rather than trying to balance the federal budget by simply cutting discretionary spending including spending for conservation and the environment."

The 500 groups include such industry organizations as the American Recreation Coalition and the Outdoor Industry Association, as well as middle-of-the-road sportsmen and environmentalists.

The House approved its budget (H Con Res 25) March 21 and the Senate approved its budget (S Con Res 8) March 23.

OMB assesses shutdown costs: In a related development the Office of Management and Budget (OMB) estimated November 7 that the government shutdown between October 1 and October 16 cost

the nation between \$2 billion and \$6 billion "in lost output." OMB said in a report prepared for Mikulski that only counts "the flow of government spending. As a result, (the \$2 billion to \$6 billion estimate) may not fully account for the direct economic disruption that resulted from the shutdown of government services important to the functioning of the private economy."

OMB featured prominently in its report a Park Service estimate that the sequestration reduced overall visitor spending by \$500 million. The report said NPS had to forego about \$7 million in entrance and user fees.

In addition OMB warned that Congressional belt-tightening of the last few years could have a deleterious effect on the hiring of qualified federal government employees. "The shutdown followed an unprecedented three-year pay freeze for Federal employees, cuts in training and support, and, for hundreds of thousands of workers, administrative furloughs earlier this year because of sequestration," said OMB Director Sylvia M. Burwell in a letter to Mikulski. "We cannot continue to treat our employees this way and expect there will be no impact."

The Interior Department faces a particularly high hurdle in attracting able employees. Secretary of Interior Sally Jewell in a speech last month at the National Press Club said one-third of the Interior Department's 70,000 employees planning to retire in the next five years.

"Unfortunately, the entry level jobs - like seasonal rangers, interns, trail crews, research assistants and the like - have been severely impacted by the indiscriminate nature of sequestration and limited resources," she said. "This is happening at a time when many of these young people are entering the workforce."

The OMB report, *Impacts and Costs of the October 2013 Federal Government Shutdown*, is available at: <http://www.whitehouse.gov/omb/reports/default>.

As for the conference on a Congressional budget the House and Senate are far apart. On the bottom line the Senate budget assumes a total spending cap of \$1.058 trillion in fiscal 2014, or \$91 billion more than the House cap of \$967 billion. So the conference committee has its work cut out for it to reach a top-line spending number.

For a natural resources line item the two houses differ just as greatly. The Senate budget recommends almost \$5 billion more for natural resources in fiscal 2014 than the House. The Senate resolution recommends \$42.9 billion compared to \$38.1 billion in the House budget.

Despite those big disagreements the House and Senate budgets do concur on a few natural resources policies, such as adequate fire-fighting money and renewal of the Federal Land Transaction Facilitation Act.

The budgets don't specify how much money authorizing and appropriations committees should put up for those programs.

The two Houses have put forth major, major policy recommendations in their Congressional budgets, to wit:

Conservation spending: The House budget would transfer an unspecified amount of money from the Land and Water Conservation Fund (LWCF) out of land acquisition to maintenance. "This budget focuses on eliminating the maintenance backlog before moving to acquire additional lands," it says.

The Senate budget would fully fund LWCF at \$900 million. It says S Con Res 8 "protects investments in the preservation of public spaces, the restoration of impaired ecosystems, and the recovery of at-risk species."

Federal Land Transaction Facilitation Act (FLTFA): Both budgets support an extension of FLTFA, albeit with some important changes. FLTFA authorizes the sale of excess BLM and Forest Service lands and uses the proceeds to acquire conservation lands. In a new twist the House budget

recommends 70 percent of revenues be used for deficit reduction, instead of for land acquisition, as was the case under the old law. The Senate would simply extend the old law.

Climate change: The House budget would cut back on climate-change spending by natural resource agencies. The Senate budget would increase investments "in federal resiliency activities."

DoI initiative will try to move Millennials outdoors

Secretary of Interior Sally Jewell took her campaign on the road November 7 to connect the millions of young people in the Millennial Generation to the outdoors.

"There is a growing disconnect between young people and the great outdoors - and it's a gap that Interior has the power to help bridge," said Jewell of her campaign. She met with leaders from business, health, education and conservation in San Francisco to drum up support for the campaign.

Jewell launched her four-pronged initiative October 31 in a speech at the National Press Club. In one of the prongs Jewell said the department will attempt to raise \$20 million from various partners for youth work and training in the outdoors.

"For the health of our economy and our public lands, it's critical that we work now to establish meaningful and deep connections between young people - from every background and every community - and the great outdoors," she said.

Here are the other three prongs, quoting Jewell:

Urban youth: "First, we are going to develop or enhance partnerships in 50 cities to create opportunities for outdoor recreation for more than ten million young people by 2017. With nearly 80 percent of our population living in cities - places where open spaces are few and far between

- expanding our urban parks and partnerships is critical."

Public lands: "Second, we're going to use the nation's best natural classrooms - our public lands - to provide educational opportunities to at least ten million of the nation's K through 12 students annually."

Volunteers: "Third, we are setting a goal of engaging one million volunteers in support of public lands by 2017, effectively tripling the numbers we have now."

In her speech to the National Press Club Jewell acknowledged finding money to pay for her campaign won't be easy. "There's no doubt that these goals are ambitious - especially in these tight budget times," she said. "In order to make these happen, we are going to prioritize our budgets, build off successful programs and work in partnership with schools, non-profit organizations and communities to leverage existing resources."

The campaign may jibe with a Park Service blueprint for the run-up to the National Park System's Centennial in 2016, titled *A Call to Action*. Among other things *A Call to Action*, published on Aug. 25, 2011, recommended a \$1 billion endowment program.

The Coalition of National Park Service Retirees (CNPSR) lauded Jewell's initiative, and said it may serve as a link to the Centennial. "The Secretary's emphasis on youth is refreshing and very much in sync with the National Park Service including with the agency's Centennial Call to Action," said Joan Anzelmo, a spokeswoman for the coalition. "America's national parks and other public lands will only be around for the next century if today's youth get involved in conservation of the lands, visit them and work to take care of them."

Anzelmo said Jewell has walked the youth walk in her past career as CEO of the REI recreation equipment company. "Ms. Jewell made a huge difference for youth during her tenure as CEO of REI," said Anzelmo. "Through

her leadership at REI a large number of grant opportunities for youth programs throughout the country were made possible each year. Many of those grants enabled students to get outdoors and connect with the natural world."

As a follow-up to *A Call to Action* major interest groups backing NPS are attempting to identify possible new sources of unconventional revenues for the parks. The National Park Foundation, the National Parks Conservation Association and the National Park Hospitality Association have come up with more than a dozen recommendations.

The 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.

At the meeting two sources of revenue appeared to draw the most interest - 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.)

The Interior Department faces a particularly high hurdle in attracting able new workers, Jewell said, with one-third of the department's 70,000 employees intending to retire in the next five years.

"Unfortunately, the entry level jobs - like seasonal rangers, interns, trail crews, research assistants and the like - have been severely impacted by the indiscriminate nature of sequestration and limited resources," she said. "This is happening at a time when many of these young people are entering the workforce."

Jewell prods Hill on lands bills, hits House money bill

In a major speech to the National Press Club October 31 Secretary of Interior Sally Jewell told Congress

to either pass a package of wild lands bills or watch President Obama designate national monuments unilaterally.

"Congress needs to get moving to pass the dozens of locally-supported bills - introduced by both Republicans and Democrats - that protect the places that Americans care about most," said Jewell, who became secretary in early April. She called on Congress to move a "comprehensive" bill, i.e. an omnibus bill.

Then she dropped the hammer. "As he has already demonstrated, President Obama is ready and willing to step up where Congress falls short. . .," she said. "In the coming weeks and months, I will be meeting with communities and evaluating opportunities where action can ensure that our nation's stories and landscapes are honored, celebrated and preserved for the generations to come."

Jewell also pressed Congress to move a fiscal year 2014 appropriations bill on the President's terms - and not the terms that the House subcommittee on Interior Appropriations inserted in a bill that it marked up July 23.

"So as we stand at this juncture, it's important to think about what conservation legacy we will leave for the next 50 years, for the next 100 years," she said. "Will it be the legacy of short-sighted funding and partisan gridlock that we are witnessing in Congress? I'm thinking, in particular, about some members of the House of Representatives who plan to slash funding for the national parks by 13 percent; or to gut the Fish and Wildlife Service by nearly a third; or to cut \$90 million from the Bureau of Land Management's operating budget, which is already at a barebones level."

She also hit Congress for shutting down the government. "All told, we estimate that the closure of the National Park System alone cost local communities at least \$76 million per day in total visitor spending," she said.

"But if there's a silver lining to all of this, it's that the shutdown shined a spotlight on just how much

Americans love and value their public lands and the people who serve them," Jewell added. "To quote a well-known line from a Joni Mitchell song, 'You don't know what you've got 'til it's gone.' The shutdown clarified what's at stake. It reminded us that our parks, our wildlife refuges and our public lands are uniquely ours, uniquely American."

The Coalition of National Park Service Retirees (CNPSR) hopes Jewell's budget words will have an impact. "It is hard to hypothesize whether her common sense conservation advocacy and inspirational vision for the department will have any impact on today's harshly partisan Congress but we applaud her for trying," said CNPSR spokeswoman Joan Anzelmo. "We do think the goals outlined by Secretary Jewell will be well received by the American public who continue to support the nation's national parks and other public lands in very large numbers and in non-partisan ways."

In a question-and-answer session at the Press Club Jewell gave a strong defense of the Land and Water Conservation Fund and took a poke at Congress at the same time.

"It's a common refrain from people who also squeeze our budget that acquiring more land makes a bigger maintenance backlog. . .," she said. "It's a common fallacy. There is a large tract in the middle of Teton Valley that is owned by the State (of Wyoming). If we don't purchase it, the tract will be developed and it contains critical habitat. One parcel is used for elk migration. Another is just below the Tetons. These are not areas that are going to cost the Park Service more to maintain. . . To say that putting more money into acquisition increases maintenance is incorrect."

Perhaps Jewell had in mind a massive report published last month by Sen. Tom Corbin (R-Okla.) that criticized Park Service management, Congressional oversight of the national parks, and, last but not least, LWCF. In his headline recommendation Corbin recommended using LWCF money

for maintenance rather than land acquisition.

In a 208-page report, *Parked!*, Coburn also recommended a review of less-visited park units for possible closure, and substitution of nonfederal and endowment money for appropriations.

As every secretary of Interior in history has, Jewell in her Press Club appearance promised to balance development against protection. She would do that by planning on a large scale. And to do that Jewell, who made her mark in the business world as president of the REI sporting equipment company, issued October 31 a macro-area planning policy - Secretarial Order No. 3330.

The order directs the Department of the Interior's Energy and Climate Change Task Force to develop a "coordinated Department-wide, science-based strategy to strengthen mitigation practices so as to effectively offset impacts of large development projects of all types through the use of landscape-level planning, banking, in-lieu fee arrangements, or other possible measures."

Before that policy is enunciated the order gives the task force 90 days to review existing policies and regulations.

One environmental group, the National Parks Conservation Association (NPCA), said the secretarial order may decrease energy development adjacent to national parks. Said NPCA Acting President Theresa Pierno, "National parks are increasingly threatened by a massive expansion of energy development within their surrounding landscapes, much of it occurring on adjacent federal lands. The new Secretarial Order signed today recognizes the Administration needs to do more to balance energy production against the protection of our air, land, water, wildlife and treasured places."

Sportsmen asked for a similar policy. Said Ed Arnett, director of the Theodore Roosevelt Conservation Partnership's Center for Responsible

Energy Development, "The fact remains that solid, strategic planning on a macro level will resolve many of the conflicts and problems we've been seeing over the energy planning and development process. BLM and DOI simply need to commit to doing it."

A transcript of Jewell's speech is available at: <http://www.doi.gov/index.cfm>.

The secretarial order is available at: <http://www.doi.gov/news/loader.cfm?csModule=security/getfile&pageid=380602>. A transcript of her talk, including questions and answers, is available at: <http://press.org/events/npc-luncheon-sally-jewell-secretary-us-department-interior>.

Court may or may not have set precedent with OHV ruling

A federal judge November 4 struck down key elements of a Bureau of Land Management (BLM) travel management plan in Utah, perhaps dealing a blow to off-highway vehicle (OHV) use throughout southern Utah.

U.S. District Court Judge Dale A. Kimball in Utah held that two aspects of a 2008 Richfield Field Office travel plan didn't pass muster - minimization criteria and historic preservation inventories.

Kimball did not say how BLM should remedy the plan - and won't until early next year. Still, the environmental group Southern Utah Wilderness Alliance (SUWA) said the decision will probably set a precedent for litigation against another five land management plans prepared by BLM in southern Utah.

Said Scott Groene, executive director of SUWA in a bulletin to alliance members, "This decision has far-reaching implications. It involved one of the six Bush-era land use plans which together control nearly 5.4 million acres of proposed redrock wilderness. All of them ignored wilderness protection in favor of ORVs and oil and gas drilling. SUWA has challenged all six plans; this was

simply the first to be litigated. With this decision, we expect the rest will tumble like dominos in line."

OHV users took a wait-and-see stance. Brian Hawthorne, Utah policy Advisor with the BlueRibbon Coalition, said, "Our work here is far from finished and begins with encouraging the court to shape a properly limited remedy that allows the BLM to efficiently finish its business."

In his decision Kimball assessed a combination resource management plan and travel management plan that BLM's Richfield Field Office completed on Oct. 31, 2008.

Here's how Kimball described the results of the travel plan that sorts land into three categories for OHVs - open, closed or limited: "Within the 9,980 acres designated as open, OHVs can drive anywhere. No OHV can travel in the 209,900 acres designated as closed. And, within the 1.9 million acres designated as limited, OHVs may only drive on designated routes. Within the 1.9 million limited use acres, the ROD approves the BLM's final decision to designate 4,277 miles of dirt roads and trails crossing the area."

OHVers said the 4,277 miles of OHV routes "substantially reduced vehicle access, nearly eliminating 'open' designations and restricting vehicle travel to a reduced network of designated routes," in the words of the BlueRibbon Coalition.

SUWA's Groene saw it differently. "The BLM's plan prioritized off-road vehicle (ORV) use above all else," he said in the SUWA bulletin. "It designated 4,277 miles of dirt trails, tracks, and ghost-routes for ORV travel, ignoring wilderness, archeological resources, and wildlife."

In Kimball's decision he upheld BLM's EIS, BLM's evaluation of climate change, BLM's compliance with its planning law the Federal Land Policy and Management Act of 1976, BLM's evaluation of areas of environmental concern and BLM's compliance with the Wild and Scenic Rivers Act.

But Kimball said BLM failed to comply with its "minimization" regulations, which require it to limit the impact of routes on the environment. And he said the plan did not adequately assess the impact of OHV routes on archaeological sites, as required by the National Historic Preservation Act.

Ten environmental groups led by SUWA and including the National Parks Conservation Association brought the lawsuit. Intervenor included the BlueRibbon Coalition, XTO Energy, Enduring Resources II, the State of Utah and seven Utah counties.

The decision is available at http://www.sharetrails.org/uploads/329-Memorandum_Decision_and_Order-11.4.13.pdf.

White House chooses four DoI policy people; Senate to act?

The Obama administration in the last fortnight announced its intention to nominate four top Interior Department policy makers, including the director of the Bureau of Land Management (BLM). BLM Acting Director Neil Kornze is the choice to head the bureau.

The four nominees, if confirmed by the Senate (and all require Senate confirmation), would provide Secretary of Interior Sally Jewell with a new assistant in charge of national parks and wildlife, a new assistant in charge of BLM, a new top policy aide and of course a new BLM director.

Only three years remain of the second Obama administration. Jewell herself only took office April 15.

Three of the four new nominees are in-house officials and would simply change chairs. Two are women.

The four nominees:

BLM director: The Obama administration announced November 7 that it intends to nominate acting BLM Director Kornze as director. Kornze has led BLM since March 1. Before that he served as acting deputy director for

policy for the bureau. He would succeed former BLM Director Bob Abbey.

"For more than a decade, Neil has been a key player in many of the nation's major natural resource policy issues and has a reputation for being creative and results-oriented," said Jewell.

BLM policy head: The White House said November 6 that President Obama intends to nominate veteran Washington, D.C., attorney Janice M. Schneider as the next assistant secretary of Interior for Land and Minerals Management. In that position Schneider would set policy for BLM, the Office of Surface Mining, the Bureau of Ocean Energy Management, and the Bureau of Safety and Environmental Enforcement.

Schneider served at various positions in the Interior Department and the Justice Department between 1993 and 2001, including a stint as counselor to the number two person in the department, the deputy secretary. Most recently Schneider has worked as a partner in the Latham & Watkins law firm where she chaired the Environmental, Land & Resources Department. If confirmed she would replace acting assistant secretary Tommy Beaudreau, who also serves as director of the Bureau of Ocean Energy Management. (See *DoI policy position below.*)

Said the Interior Department of Schneider, "She has extensive knowledge of the National Environmental Policy Act, Endangered Species Act and related issues associated with federal decision-making, including wildlife and wetlands protection, cultural resource protection, conservation land acquisition, marine mammal and coastal zone issues."

NPS-FWS policy head: As we reported in the last issue of *FPR*, Obama said October 29 he intends to nominate Assistant Secretary of Interior for Policy Rhea Suh as assistant secretary of Interior for Fish and Wildlife and Parks. In that position Suh would set policy and oversee the National Park Service and the Fish and Wildlife Service.

Because Congress four years ago confirmed Suh to the assistant secretary for policy position she stands a good chance of confirmation this time around.

However, one of Suh's landmark achievements in the policy position - development of a Land and Water Conservation Fund (LWCF) transformation initiative - could be an Achilles Heel because most Senate Republicans don't like LWCF. Suh's LWCF proposal, enunciated in the fiscal year 2014 administration budget request, would have Congress transition to full funding of LWCF and would guarantee \$900 million per year for the program. Youth in the Great Outdoors Initiative.

DoI policy assistant: The White House announced November 7 that Obama will nominate Beaudreau as assistant secretary of Interior for Policy. He would replace Suh, who President Obama has nominated as assistant secretary of Interior for Fish and Wildlife and Parks (*see previous item*). To really confuse things, Beaudreau presently serves as both acting assistant secretary of Interior for Land and Minerals Management and as director of the Bureau of Ocean Energy Management.

Senate hunting, fishing bill includes sequester bypass

Seven senators introduced sweeping hunting and fishing legislation (S 1660) November 7 that includes a provision to exempt sport hunting and sport fishing trust funds from future sequestrations.

The exemption would prevent \$82 million being removed from the Pittman-Robertson sport hunting and Dingell-Johnson sport fishing funds in fiscal year 2014. The funds are financed by taxes on hunting and fishing equipment and recreation vehicle fuel taxes.

Although all seven sponsoring senators are Democrats, six of the 15 provisions in the bill are derived from stand-alone legislation introduced by Republicans.

S 1660 joins a flock of individual and omnibus hunting and fishing bills

that both Democrats and Republicans have introduced in this Congress. Predecessor bills in the last Congress - but without the sequestration exemptions - failed to move as part of comprehensive lands bills.

Sen. Kay Hagan (D-N.C.), cochair of the Congressional Sportsmen's Caucus with Sen. John Thune (R-S.D.), is the lead sponsor of S 1660. She emphasized collegiality on introducing the bill, saying, "This package combines the best ideas from Republicans and Democrats to enhance opportunities for hunting, fishing and shooting while strengthening our economy."

Because of the Democratic sponsorship in the Democratic Senate, by definition Hagan's bill would take the lead among the many sportsmen's bills introduced this year. But again, many of those bills are incorporated in S 1660.

Sportsmen hope the two political parties work together to enact major hunting and fishing legislation this year, no matter who takes responsibility. "American hunters and anglers and the nation's thousands of hunting and fishing dependent businesses hope that this year the House and Senate can work in a bipartisan way and seize an historic opportunity to send the president legislation that is unprecedented in terms of what it will do for the future of American hunting and fishing, said the sportsmen," the groups said in a joint statement.

The statement was signed by the American Sportfishing Association, Boone and Crocket Club, Congressional Sportsmen's Foundation, Ducks Unlimited, Mule Deer Foundation, National Shooting Sports Foundation, Pheasants Forever, Quail Forever and the Theodore Roosevelt Conservation Partnership.

There is a fly in the ointment. Some environmental groups such as the Center for Biological Diversity oppose a provision in Hagan's bill that would exempt lead ammunition and fishing tackle from EPA regulations under the Toxic Substance Control Act. If that provision remains in the bill, the

environmentalists say they may attempt to kill the measure.

The sequester provision in S 1660 attempts to prevent a recurrence of fiscal year 2013 when the Office of Management and Budget (OMB) ruled that the Pittman-Robertson (P-R) sport hunting and Dingell-Johnson (D-J) programs had to give back \$50 million because of sequestration.

The Congressional Sportsmen's Caucus is still trying to get that money back. The caucus wrote OMB Director Sylvia Burwell November 1 and argued that the Budget Control Act of 2011 that triggered the sequestration exempted D-J and P-R. They also said the law allows money sequestered in one fiscal year (2013) to be repaid the following fiscal year (2014), which they now request.

They said to Burwell, "Funding for the Sportsmen Trust Funds - which derive from federal excise taxes, not from federal income taxes - are critically important to states across the country. State agencies use their Trust Fund apportionments to restore and manage fisheries and wildlife habitats, open and maintain recreational access; and deliver hunter and boating safety education. We urge you to release the funding sequestered in FY 2013 from the Sportsmen Trust Funds."

The lead House sportsmen's bill (HR 3197), introduced September 26, includes nine separate hunting and fishing bills that had been introduced previously this year. Most of the provisions are in Hagan's Senate bill. The measure, with Rep. Rob Latta (R-Ohio) as chief sponsor, would:

- * reauthorize the land sale/ acquisition law called the Federal Land Transaction Facilitation Act,
- * reauthorize the North American Wetlands Conservation Act,
- * exempt lead ammunition and fishing tackle from the Toxic Substance Control Act,
- * authorize the use of firearms at Corps of Engineers water projects, and
- * limit fees for filming crews of five persons or more to \$200 per year.

The Latta bill closely parallels a similar omnibus Senate bill (S 1335) introduced by Sen. Lisa Murkowski (R-Alaska) with one important exception.

The Murkowski bill includes a provision that would allocate at least 1.5 percent of Land and Water Conservation Fund (LWCF) money to acquiring access to public lands for hunting and fishing. The Hagan bill includes the 1.5 percent transfer from LWCF.

In a separate action Murkowski and Sen. Joe Manchin (D-W.Va.) introduced January 29 a bill (S 170) that includes just the open-unless-closed provision. Rep. Dan Benisek (R-Pa.) has introduced a House version of the open-unless-closed bill (HR 1825), which is included in the Latta package.

In addition Sen. Martin Heinrich (D-N.M.) introduced legislation (S 1554) September 26 that would authorize the use of 1.5 percent of LWCF money for access for hunting and fishing. In addition the Heinrich bill would have all federal land management agencies inventory lands where hunting and fishing are legal, but inaccessible.

The new sportsmen's bill package includes all of the provisions mentioned above, except for Corps of Engineers firearms. A list of the provisions is available here http://www.hagan.senate.gov/files/documents/131106_SPORTAct_DescriptionofBills.pdf.

In the last Congress both the House and Senate approved numerous bills that included provisions that were in Murkowski's 2012 catchall bill, but they were not enacted because of opposition on the Senate floor to almost all legislation coming out of the Senate Energy Committee. In addition the House sometimes added provisions unacceptable to the Senate, such as a ban on national monuments.

WRDA bills have critics as conference is shaping up

The Senate last week appointed conferees on a water resources

development bill as environmentalists stepped up criticism of a House-passed measure.

The environmentalists object to the large number of water projects in the House-passed Water Resource Development Act (WRDA) bill and to provisions to expedite work on the projects.

Adam Kolton, executive director of the National Wildlife Federation's National Advocacy Center, said of the House bill (HR 3080), "The U.S. Army Corps of Engineers has an estimated \$60-80 billion backlog of authorized projects. There is not now — and will not ever be — enough money to construct all the items on this laundry list. By limiting environmental reviews, the House has undermined the very process that has long helped us identify which projects provide real value and which ones are environmentally-damaging boondoggles that are not in our national interest."

Kolton added, "While the bill contains measures to restore national treasures like the Everglades and the Mississippi River Delta, it is difficult for us to support a bill that will likely result in damage to countless other river systems."

Still, senators from both political parties are eager to get moving in conference. Said Sen. David Vitter (R-La.), one of the conferees appointed by the Senate November 5, "WRDA is one of the single most significant pieces of infrastructure legislation we've voted on this year, and I look forward to working to get a final bill that includes our Senate provisions. We have the opportunity to reform the Corps of Engineers, streamline flood protection projects, and improve our waterways and infrastructure all in one bill. This is a huge benefit for our entire country."

When the House and Senate go to conference over a water resources development bill — perhaps next week, they will face two substantially different sets of outdoor provisions. The House at press time was discussing a

motion to go to conference.

But on perhaps the lead issue - authorization of the next generation of projects to restore the Everglades ecosystem - they are in substantial agreement. A House-passed bill (HR 3080) would explicitly authorize four Everglades projects that would cost more than \$1.8 billion. Half of the \$1.8 billion would be federal money and half would be State of Florida money.

A Senate-passed bill (S 601) would authorize the projects inferentially by including water resources projects cleared by Corps of Engineers reports.

Senate Environment and Public Works Committee Chair Barbara Boxer (D-Calif.) is champing at the bit to begin the conference. "I am so pleased that the House passed its water resources bill today so that we can move forward with the House-Senate conference as soon as possible," she said after the House approved HR 3080 October 23.

On May 15, the Senate passed a counterpart Water Resources Development Act (WRDA) by an 83-to-14 margin. Congress tries to pass a WRDA bill every two years but has not been able to enact one in the last six years.

The Office of Management Budget (OMB) October 23 conditionally endorsed the House bill. "The Administration supports House passage of H.R. 3080 as it would advance some of these policies and principles, but it should be improved with additional reforms and modifications of problematic provisions," said OMB.

The two bills differ on significant outdoor details. For instance the House October 23 approved an amendment that would forbid the Obama administration from implementing its National Ocean Policy. The vote was 225-to-193.

In a separate area the House bill explicitly includes recreation under a Harbor Maintenance Trust Fund. The backlog in the fund, financed by users of ports and harbors, has grown to \$8 billion. Annual expenditures from the harbor fund averaged \$700 million to

\$800 million the last five years, says a House Transportation Committee report.

The House would increase the annual allocation by linking it to annual collections, beginning at 65 percent. Given that annual collections approach \$1.8 billion, that would mean expenditures of more than \$1.1 billion per year.

Rep. Candice Miller (R-Mich.) said the House bill would set aside 10 percent of the Harbor Maintenance Fund for recreation purposes, i.e. dredging support to communities to expand recreational boating opportunities. The Senate bill does not establish a percentage set-aside from the fund.

In still another area the House bill includes a provision that would bar the Corps of Engineers from denying access to floating cabins where recreational vessels are allowed. The Senate bill does not include a counterpart provision.

In total the House bill would authorize \$8 billion in expenditures and the Senate \$12 billion. However, the House Transportation Committee says its bill would deauthorize \$12 billion in old projects, effectively paying for itself.

Unlike the House bill, which identifies the 23 new water resources projects, the Senate bill would let the Obama administration choose projects to fund. However, the Corps would be expected to follow its own priority recommendations.

Money to pay for the projects - whether identified by the administration or by Congress - would still have to come from separate appropriations bills.

Everglades restoration: Perhaps the most important outdoor provisions in the two bills are the authorizations of four Everglades projects. Of the \$1.8 billion, the State of Florida would have to pay half.

Since 2000 when Congress approved an overarching multi-billion-dollar Comprehensive Everglades Restoration

Project (CERP) in a previous WRDA, only two of the dozen or so projects anticipated by the law have been authorized.

Under CERP the Corps of Engineers, the State of Florida and Interior Department agencies are charged with carrying out major projects to restore the Everglades by in general replumbing south Florida.

HR 3080 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.

More information is available on the projects at:

http://www.evergladesplan.org/pm/projects/landing_projects.aspx.

Farm bill faces tight sched; only three weeks are left

As always time is running out on a new multi-year Farm Bill in Congress. But there is momentum for a House-Senate conference committee to address House- and Senate-passed versions of a bill. The push is coming from both the left and the right.

For one thing President Obama said November 8 that completion of a farm bill is his first priority for Congress, period. In remarks at the Port of New Orleans Obama said, "Number one, Congress needs to pass a farm

bill that helps rural communities grow and protects vulnerable Americans. For decades, Congress found a way to compromise and pass farm bills without fuss. For some reason, now Congress can't even get that done."

From the Republican side one of the four key negotiators in the conference committee, Sen. Chad Cochran (R-Miss.), reportedly is giving the farm bill his top priority. Cochran, ranking Republican on the Senate Agriculture Committee, is poised to retire next year and Mississippi newspapers say he wants to go out with a five-year farm bill on his resume.

(The other three lead architects are Sen. Debbie Stabenow (D-Mich.), chairman of the Senate Agriculture Committee, Rep. Frank D. Lucas (R-Okla.), chairman of the House Agriculture Committee, and Rep. Collin Peterson (D-Minn.), ranking Democrat on the House Agriculture Committee. Although the four are leading the conference, 41 House and Senate members have been named to the panel.)

Time becomes a factor because of the Congressional schedule. There is only one more Congressional workweek before the Thanksgiving holiday and Hill leaders have tentatively scheduled sessions for just two weeks in December. And as of December 31 much of the structure of the nation's existing farm policy will collapse if a new bill is not enacted.

While the House and Senate have their differences about conservation provisions in the competing bills, food stamps will likely be the biggest conference hurdle. The House would reduce food stamp spending by \$39 billion over ten years, the Senate by \$4 billion over ten years and the administration would not cut program spending, period.

The House-Senate conference committee is tasked with quickly resolving massive differences between a House-passed, three-year bill (HR 2642) and a Senate-passed, five-year bill (S 954). The Senate approved its measure in June and the House in July. However,

the two sides have been unable to even come close to an agreement on a new Farm Bill over the last two years.

In total the Senate bill would trim \$3.5 billion from projected spending for conservation programs, according to the Congressional Budget Office (CBO). The House committee bill would reduce conservation spending by \$4.8 billion, said CBO.

Overall the Senate bill follows the pattern of Farm Bill legislation over the last two years, i.e. it would reduce funding across-the-board, would reduce funding for conservation programs specifically and would consolidate programs. The House bill follows suit in reducing spending, but with even larger cuts than the Senate.

Included in both the Senate-passed and House-passed 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.

In total the House 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 Senate generosity applies to conservation, 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 bill.

And both bills 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.

Notes

Sportsmen push wetlands

'connectivity.' Sportsmen continue to

lobby EPA and the Corps of Engineers to include prairie potholes in a definition of wetlands that would require Clean Water Act permits for disturbance activity. EPA on September 17 published an expansive new definition of water bodies that are subject to Section 404 permitting, emphasizing their connectivity to downstream navigable waters. Under existing regulations and Supreme Court decisions the feds only require permits for navigable waters. But a dozen sportsmen's groups including Ducks Unlimited and Trout Unlimited in commenting on the EPA report November 5 asked EPA to make sure that activities that affect prairie potholes are included under the definition of permitted wetlands. Potholes often provide breeding habitat for ducks. "Using a watershed-based approach to aggregate the impacts of individual water bodies will lead to better resource management and improved water quality downstream," said Jimmy Hague, director of the Theodore Roosevelt Conservation Partnership Center for Water Resources. "At the same time, we can and must do more to conserve key areas of habitat such as the Prairie Potholes." EPA is expected to use its report on connectivity as a basis for new regulations. There is strong pushback from Republicans, some Democrats, businesses and their allies. They support legislation (S 1006) from Sen. John Barrasso (R-Wyo.) that would forbid EPA from issuing a new rule and disturbing the status quo. Barrasso has 27 cosponsors.

Withdrawal bills move in Senate.

The Senate Energy Committee November 14 approved the withdrawal of four areas of public lands for military use in the West (S 1169 and S 1309). The House June 14 approved three of the withdrawals and for the fourth, China Lake Naval Station in California, the House proposed the outright transfer of one million acres of Bureau of Land Management (BLM) land to the U.S. Navy. Instead of a transfer, the Senate committee would simply extend an existing China Lake withdrawal for 25 more years. The House wrapped all withdrawals into one, must-pass major Department of Defense authorization bill (HR 1960). Although the House

approved HR 1960 June 14, the Senate has not acted on it yet. The Senate committee, in addition to the China Lake withdrawal, approved these withdrawals: *Limestone Hills Training Area, Mont.*, 187,644 acres of BLM land for use by the U.S. Army's Limestone Hills Training Area in Montana; *Chocolate Mountain Aerial Gunnery Range, 226,711 acres* of BLM land to the U.S. Navy for the Chocolate Mountain Aerial Gunnery Range in California, and *Twenty-nine Palms, Calif.*, 154,663 acres in San Bernardino County, Calif., for the Marine Corps Air Ground Combat Center Twenty-nine Palms.

AASHTO adds two bike routes.

The American Association of State Highway and Transportation Officials (AASHTO) announced November 8 that it has approved 339 miles of new bike routes as part of a U.S. Bicycle Route System. One 184.5-mile segment follows the Chesapeake & Ohio Canal National Historical Park through Maryland. The park is a unit of the National Park System and the segment is already a popular bicycle route. AASHTO also approved a 154-mile bicycle route in Tennessee that stretches from the Kentucky border to Alabama, passing through Nashville on the way. AASHTO, which sometimes has tilted toward the use of federal money away from recreation programs, has now designated almost 6,200 miles of bicycle routes in 12 states. The Adventure Cycling Association joined with AASHTO in making the announcement. The association does much of the grunt work on route designation.

Glen Canyon Dam water released.

The Bureau of Reclamation this week held a four-day, high-flow experimental release of water from Glen Canyon Dam that may benefit Grand Canyon National Park. Bureau officials theorize that the release will trigger the flow of 1.5 million metric tons of sediment downstream. The sediment is expected to build sandbars that provide habitat for fish and wildlife and improve recreation opportunities in the park. Assistant Secretary of the Interior for Water Anne Castle appeared at the initiation of the release. The Obama administration in May 2012 adopted a protocol that recommended the annual release of huge

amounts of water from Glen Canyon to mimic natural floods.

NPCA chooses TV exec as boss. The National Parks Conservation Association (NPCA) said November 4 that it has selected Discovery Channel President W. Clark Bunting as its new president and chief executive officer. He replaces Tom Kiernan, who left NPCA after 15 years to head the American Wind Energy Association. Bunting took office November 11. As president of the Discovery Channel, Bunting oversaw the production of such shows as *Snake Week*, *Deadliest Catch* and *Crocodile Hunter*. NPCA is the lead national advocacy group for the national parks. In addition to his work at the Discovery Channel Bunting developed something of a conservation resume as a board member or advisor to such groups as the National Fish and Wildlife Foundation and the World Wildlife Fund.

Jewell praises Stornetta area.

Secretary of Interior Sally Jewell went to California November 8 to back efforts to add 1,255 acres of California Coast near Point Arena to the California Coastal National Monument. The national monument is managed by the Bureau of Land Management (BLM). Conservation groups such as the Trust for Public Lands have worked with BLM to add lands to the monument, which now stretches for 12 miles across state- and federal-managed lands. Members of the California Congressional delegation, led by Rep. Jared Huffman (D-Calif.), have introduced legislation (HR 1411, S 61) to add the Stornetta area near Point Arena to the monument. The House approved HR 1411 June 2 without objection. The Senate bill from California Sens. Barbara Boxer (D) and Dianne Feinstein (D) has not moved yet. Said Jewell in an appearance with Huffman November 8, "We have an opportunity here to not only support the community's vision to conserve this land, but also to create a world-class destination for outdoor recreation and the study of coastal resources, and to strengthen the local economies." She did not threaten to ask the President to use his Antiquities Act powers to designate the area as national monument if Congress doesn't act.

Yosemite finishes sequoia EIS.

Yosemite National Park announced November 5 the completion of an EIS backing restoration of the Mariposa Grove of Giant Sequoias. The main alternatives in the EIS anticipate ecological restoration work, restoration of habitat and visitor enhancement, such as parking and a visitor center. In the grove are about 500 giant sequoias that NPS says "are among the oldest and largest living organisms in the world." NPS says it will publish a record of decision after a 30-day comment period on the EIS.

Piltzecker new Miss Liberty boss.

The Park Service announced November 1 that it has selected an associate Northeast regional director, John Piltzecker, as the new superintendent of Statue of Liberty National Monument and Ellis Island. Before he assumed the position in the Northeast regional office as assistant director for planning, Piltzecker served as superintendent of the National Mall in Washington, D.C. He will replace David Luchsinger as Statue of Liberty superintendent. Luchsinger intends to retire January 3.

Senate working on fire funding.

The Senate is beginning to address initiatives to attack highly expensive wildfires on the public lands, through appropriations and other initiatives. In one arena a Senate-passed Congressional budget (S Con Res 8) anticipates Congress will develop a robust program to increase wildfire protection. That budget is now before a House-Senate conference committee. In a second arena the Senate Energy Committee has scheduled a hearing for November 20 on legislation (S 1479) to reduce ladder and canopy fuels near at-risk communities. The Republican bill under lead sponsor Sen. Mike Lee (R-Utah) would also reduce fire threats to threatened and endangered species habitat. In a third arena six senators from both parties (and six Republican House members) October 29 asked the Forest Service to step up its fire prevention work in the Rocky Mountain Region of the agency. All these initiatives are prompted by the severe 2013 fire season that, while it didn't burn more acreage than the 10-

year average, produced destructive and expensive fires, both in human and property terms. Those fires were often located in the wildland interface. The big initial step by both the Senate and the House has already been taken in the form of an appropriation in an interim fiscal year 2014 spending bill. It put up \$636 million for wildfire suppression. The law (PL 113-46 of September 16) allows remunerations to operational programs that the government tapped to pay fire-fighting costs in fiscal 2013, particularly Forest Service operations.

Conference calendarDECEMBER

10-12. **America Outdoors Marketing and Management Conference** in Albuquerque, N.M. Contact: <http://www.americayoutdoors.org/>.

11-12. **Western Governors' Association** winter meeting in Las Vegas with Secretaries Jewell and Vilsack. Contact: Western Governors' Association, 1515 Cleveland Place, Suite 200, Denver, CO 80202. (303) 623-9378. <http://www.westgov.org>.

2014JANUARY

2-5. **Archaeological Institute of America** annual meeting in Chicago. Contact: Archaeological Institute of America, 656 Beacon St., Boston, MA 02215-2006. (617) 353-9361. <http://www.archaeological.org>.

21-23. **National Ski Areas Association Western Winter Conference** in Steamboat, Colo. Contact: National Ski Areas Association, 131 South Van Gordon St., Suite 300, Lakewood, CO 80228. (303) 987-1111. <http://www.nsaa.org>.

22-24. **U.S. Conference of Mayors Winter Meeting** in Washington, D.C. Contact: U.S. Conference of Mayors, 1620 I St., N.W., Fourth Floor, Washington, DC 20006. (202) 293-7330. <http://www.usmayors.org>.

22-25. **Outdoor Retailer Winter Market** in Salt Lake City. Contact: Outdoor Retailer, 310 Broadway, Laguna Beach, CA 92651. (949) 376-8155. <http://www.outdoorretailer.com>.