

Federal Parks & Recreation

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Congress ponders state role in shutdowns on fed'l lands

House Public Lands subcommittee Republicans November 21 endorsed a group of states rights bills, including a measure to allow states to pay to keep public lands operations going in the event of another federal government shutdown.

Those operations would include tourism, mining, timber and transportation. The measures in effect would allow Republicans to trigger a shutdown of federal agencies, while allowing commercial activities to continue.

Subcommittee chairman Rob Bishop (R-Utah) at a hearing on the bills said the federal government is too inflexible to respond to government closures. "It is obvious the Park Service and the Interior Department find it difficult to try and solve these kinds of situations," he said. "Congress needs to step in with a template for future situations." That is, let states pay the freight.

But ranking subcommittee Democrat Raúl Grijalva (D-Ariz.) said the bills were too extreme. "I'm glad to see the majority acknowledges that national parks and national wildlife refuges are economic engines in our rural areas," he said. "But the legislation before us today takes those shared values and twists them into divisive, partisan extremes."

Over in the Senate Republican and Democratic senators alike this month endorsed an existing bill (S 29) that would automatically keep federal agencies in business in the event Congress did not approve future appropriations bills by October 1 deadlines.

The measure would trim overall spending by one percent for the first 120 days after October 1 and another one percent for each subsequent 90 days if appropriations bills were not passed. Sens. Mike Crapo (R-Idaho) and Jon Tester (D-Mont.) added their name as cosponsors. Sen. Rob Portman (R-Ohio) is the lead sponsor.

Here are the bills the House subcommittee considered last week:

State shutdown takeover: This measure (HR 3311) from Rep. Chris Stewart (R-Utah) would allow states to pay to keep federal land management agencies going in the event of another government shutdown.

Stewart of course is focusing on the recent closure of all 401 national park units in the wake of the government shutdown from October 1 to October 16. Several states, including Stewart's Utah, used their own money to keep national parks going. The bill would apply to all Interior Department agencies, but not the Forest Service and the Corps of Engineers.

The bill would focus on activities that would have "a direct economic impact on tourism, mining, timber, or general transportation."

The Obama administration criticized the legislation and told the subcommittee Congress should not pick and choose favored activities to continue during government shutdowns.

Said C. Bruce Sheaffer, comptroller of the National Park Service, "However, rather than only protecting certain narrow sectors of the economy (and only the portions of those sectors associated with Department of the Interior activities) from the effects of a government shutdown in the future, Congress should protect all sectors of the economy by enacting appropriations on time, so as to avoid any future shutdowns."

Park Service shutdown takeover: This measure (HR 3286) from Rep. Steve Daines (R-Mont.) would allow states to pay to keep units of the National

Park System operating in the event of a federal government shutdown. In the most recent government shutdown five states paid to keep 12 national park units open.

President Obama did sign into law October 16 (PL 113-46) legislation that allows compensation in fiscal year 2014 to states that did use their own money to keep national parks open during the government shutdown from October 1 to October 16.

State-federal partnerships. This measure (HR 3294) from Rep. Don Young (R-Alaska) would allow states to manage federal lands. HR 3294 would establish a procedure for states to identify lands it wished to manage that are now managed by the Bureau of Land Management, the Forest Service, the National Park Service, and the Fish and Wildlife Service.

In a petition to the Secretary of Interior or Secretary of Agriculture a state would have to demonstrate it could and would pay at least 50 per cent of a cost-share arrangement. The secretaries would have 90 days to approve or deny a petition. A state would receive royalties and fees as established in a partnership agreement.

Appropriators hope budget conferees strike minimal deal

Under great pressure from appropriators a Congressional budget conference committee was working over the Thanksgiving holiday to come up with a broad spending agreement.

Conferees indicated they had given up on a grand agreement that would have reduced spending for entitlements and increased taxes. Instead they are trying to strike a deal to eliminate an across-the-board budget sequestration of \$109 billion in fiscal year 2014, or at least reduce its size.

To do that conferees reportedly are attempting to identify modest spending cuts and revenue increases known as "other mandatories." On the cuts side that may include such things

as farm subsidies and on the spending side fees on broadcast frequencies.

The goal is to eliminate the sequestration demands imposed by a Budget Control Act of 2011 and at the same time establish a new total spending cap for appropriators.

While the budget conferees may not eliminate the entire \$109 billion sequestration reduction, they are reportedly shooting for elimination of \$40 billion to \$100 billion of it.

If the budget conferees succeed - and under law they have a deadline of December 13, that would open the way for appropriators to write fiscal 2014 appropriations bills.

And the chairman of the House Appropriations Committee, Rep. Harold Rogers (R-Ky.), and his 12 subcommittee chairmen are demanding action. They wrote to conference co-chairs Rep. Paul Ryan (R-Wis.), chairman of the House Budget Committee, and Sen. Patty Murray (D-Wash.), chair of the Senate Budget Committee, last week asking them to reach a compromise this week, which is unlikely.

"We call on the Budget conference to reach an agreement on the FY 2014 and 2015 spending caps as soon as possible to allow the appropriations process to move forward to completion by the January 15 expiration of the current short-term Continuing Resolution," Rogers and his subcommittee chairs wrote.

Without a deal they forecast these repercussions: "First, the failure to reach a budget deal to allow Appropriations to assemble funding for FY 2014 will reopen the specter of another government shutdown. Second, it will reopen the probability of governance by continuing resolution, based on prior year outdated spending needs and priorities, dismissing in one fell swoop all of the work done by the Congress to enact appropriations bills for FY 2014 that reflect the will of Congress and the people we represent. Third, the current sequester and the upcoming 'Second Sequester' in January

would result in more indiscriminate across the board reductions that could have negative consequences on critically important federal programs, especially our national defense."

The text of the letter can be found here: <http://appropriations.house.gov/UploadedFiles/RogersCards-RyanLetter.pdf>

Of some significance in the House Appropriations Committee, Rep. Mike Simpson (R-Idaho) has given up his chairmanship of the House subcommittee on Interior and Related Agencies to take the more influential Defense subcommittee chair. He has been replaced at Interior by Rep. Ken Calvert (R-Calif.)

Meanwhile, a coalition of 500 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 the Nature Conservancy, The Wilderness Society and the Outdoor Industry Association, as well as middle-of-the-road sportsmen groups and historic preservationists.

The House approved its budget (H Con Res 25) March 21 and the Senate approved its budget (S Con Res 8) March 23. An interim fiscal 2014 spending bill (PL 113-46 of October 16) calls on budget conferees to reach an agreement by December 13.

That agreement would then set a top-line appropriations number that would decide eventually how much money each appropriations subcommittee would have to spend. PL 113-46 also appropriates money only through January

15 so appropriators have until then to complete all 12 spending bills.

Biscayne park backs off from bar on fishing near reefs

Biscayne National Park in Florida last week retreated from a proposal to declare a no-fishing marine reserve in the coral reef portions of the park in Biscayne Bay. It proposed instead a new, special recreation zone that would allow limited recreational fishing.

The November 18 proposal immediately won support from the crucial Florida Fish and Wildlife Conservation Commission (FWC). That six-member body November 21 voted to work with NPS to implement the proposed plan. The FWC matters because its criticism persuaded NPS to back off from the marine reserve.

NPS is far from home free, however, because the National Parks Conservation Association (NPCA) is still calling on NPS to designate a marine reserve in the bay. "Unfortunately, Biscayne National Park has been overfished and over-stressed for several decades. Scientific research shows that marine reserves are one of the quickest and most effective methods for conserving and sustaining coral reef ecosystems," said Caroline McLaughlin, Biscayne program analyst for NPCA.

The Park Service kicked off the debate on August 19, 2011, when it proposed a no-fishing marine reserve on a portion of the 144,522 acres of water in the park south of Miami and east of the Florida Keys. Water covers 83 percent of the park.

NPS said it proposed the marine reserve to preserve the coral reefs in the park. "In the Florida Keys, because of nearby dense populations of people and the effects of hurricanes, vessel groundings, disease, overfishing, and a proliferation of algae, there has been a 37% decline in live coral cover in just five years, according to a 2002 report by the National Oceanic and Atmospheric Administration (NOAA)," said NPS in its new draft plan and EIS published November 18 in the *Federal Register*.

The park advanced an economic motive for protecting the coral reefs, beginning with the 4 million tourists that visit the Florida Keys each year, many to dive, and the \$34 million per year visitors to Biscayne National Park spend in south Florida.

But commercial fishermen, recreational fishermen and the powerful FWC objected to the elimination of fishing in the marine reserve. In this tortured sentence NPS noted the FWC's opposition to a dearth of data on the possible impacts of the closure: "The position of the State of Florida was that any consideration of a marine reserve zone could only occur after measurable management objectives have been clearly defined and less restrictive management measures have been appropriately implemented and evaluated in close coordination with agencies and stakeholders."

So NPS scrapped the no-fishing marine reserve and last week proposed instead a special recreation zone that would extend over 14,585 acres, or about eight percent of the park.

The proposal (Alternative 6 in the draft EIS) would allow recreational fishing year-round with a permit, forbid grouper and lobster harvests, forbid commercial fishing except for "ballyhoo lampara net fishery," forbid anchoring, and encourage diving.

Background on the proposed EIS and plan are available at: <http://parkplanning.nps.gov/BISC>.

Manhattan Project park legislation stirs in Senate

The drive to designate a Manhattan Project National Park to commemorate the development of the Atomic Bomb picked up steam last week.

Sen. Maria Cantwell (D-Wash.) introduced an amendment to a must-pass Defense Authorization Act (S 1197) November 21 (SA 2492) to designate the park in three areas - Los Alamos, N.M.; Oak Ridge, Tenn.; and Hanford, Wash. She had three cosponsors. S 1197 is

presently on the Senate floor.

However, senators have introduced literally hundreds of amendments, so there is no guarantee leadership will allow SA 2491 to come to the floor.

The House approved a counterpart Defense bill (HR 1960) June 14 that does include the Manhattan Project park authorization, albeit with slightly different provisions. House Natural Resources Committee Chairman Doc Hastings (R-Wash.) has led the charge for a park in the House.

Omnibus candidates? Meanwhile, the Senate Energy Committee under chairman Sen. Ron Wyden (D-Ore.) continues to address a flood of land bills. It passed a dozen November 21, bringing the total to 79 measures now cleared for the Senate floor by the committee.

Among the bills passed by the panel last week was a measure to include the Gettysburg Train Station and additional lands in the Gettysburg National Military Park (S 782). Sen. Robert Casey (D-Pa.) is the lead sponsor.

The committee also approved a House-passed bill (HR 1033) that would extend the American Battlefield Protection Program for 15 years (through fiscal year 2018) and would add authority to acquire battlefields from the Revolutionary War and the War of 1812. Rep. Rush Holt (D-N.J.) is the lead sponsor.

Said ranking committee Republican Lisa Murkowski (R-Alaska) at the Senate Energy Committee mark-up, "We have I think worked aggressively in this committee to try to advance good, sound public lands bills. We started with some of our less controversial ones this spring and then marked up some of the more controversial ones."

Manhattan Project: Legislation to commemorate the Atomic Bomb is not without controversy. Some liberal Democrats object to memorializing weapons of mass destruction. And some conservative Republicans are leery of spending the \$21 million the

Congressional Budget Office estimates it would cost the Park Service to manage the site over the next 15 years. The legislation reached the House floor last year but did not have the two-thirds vote needed to pass.

Cantwell has also introduced the Manhattan Project provision this year as a stand-alone bill (S 507). The Senate Energy Committee approved that measure June 27.

There are important differences between the Senate bill/amendment and the House bill/amendment. The Senate would delay the establishment of the park until enough sites were accumulated to make "a manageable park unit." The House bill simply directs the Park Service within a year to designate boundaries for the historical site from the locales in Los Alamos, N.M.; Oak Ridge, Tenn.; and Hanford, Wash.

In a separate area, reflecting western Republican concerns about an expanded federal land base, the House bill would not allow land purchases. It would also forbid the use of condemnation to obtain land and would bar federal agencies from establishing a "buffer zone" around the park properties.

The counterpart Senate bill specifically authorizes land acquisition, does not mention condemnation and does not mention buffer zones.

Cosponsoring Cantwell's amendment were Sens. Martin Heinrich (D-N.M.), Patty Murray (D-Wash.) and Tom Udall (D-N.M.)

WRDA conferees meet and see the glass as half-filled

As is often the case House and Senate conferees on a new Water Resources Development Act (WRDA) in their first meeting last week expressed great optimism.

However, there are sharp differences between a House-passed bill (HR 3080) and a Senate-passed bill (S 601). And the clock is beginning to

tick as the conference leaders shoot for an end-of-the-year deal.

Conference chair Sen. Barbara Boxer (D-Calif.) began the positive statements at a November 20 meeting. "I believe that we can all come together and show the American people that Congress can pass a bill that is good for jobs, good for local communities, and good for the economy," she said. Boxer also chairs the Senate Environment and Public Works Committee.

Her House counterpart Rep. Bill Shuster (R-Pa.) was equally optimistic. "There are areas in our bills where we differ," said Shuster, who chairs the House Transportation Committee. "I know there are provisions in the Senate bill that have opposition in the House, and I'm sure there are House provisions opposed by the Senate. But I am confident at the end of the day we can resolve our differences and achieve a successful conference report."

The House approved its bill October 23 by a healthy 417-to-3 margin. The Senate passed its measure on May 15 by an 83-to-14 margin.

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 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.

The Office of Management Budget (OMB) October 23 conditionally endorsed the House bill (OMB had endorsed the Senate bill in May). "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.

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.

The Senate would authorize the projects inferentially by including water resources projects cleared by Corps of Engineers reports.

Everglades restoration: Perhaps the most important outdoor provisions in the two bills are the authorizations of four Everglades projects, as singled out in the House bill.

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 and been launched.

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.

In a new WRDA twist the House bill would explicitly include 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.

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.

NPS and partners reviewing hundreds of Centennial ideas

In one of the dozens of initiatives leading up to the Park Service Centennial the agency is evaluating some 500 proposed projects with its partners.

Although the Park Service forbids the release of the list of projects, it

is understood the agency is emphasizing a connection among the projects to both the Park Service 2016 Centennial blueprint titled *A Call to Action*, and to luring Millennials to visit the National Park System. The latter is a top priority of Secretary of Interior Sally Jewell.

In addition NPS would like to winnow down the number of finalists to less than 40 or 50.

To help prepare for the Centennial the National Park Service Advisory Board has set up a Centennial Advisory Committee under Gretchen Long, chair of the Land Trust Alliance National Council and a veteran conservationist. The advisory committee met most recently November 13 and, among other things, discussed the 500 proposed projects.

The board also heard from NPS Director Jon Jarvis, who warned about getting too far ahead and developing Centennial fatigue.

As we noted a host of initiatives are in the works for the Centennial besides the 500 projects, such things as designation of the Centennial as the theme of the 2016 Rose Bowl Parade in Pasadena, Calif.

Of greater importance is a campaign, perhaps led by Congress, to find money for the National Park System to supplement annual appropriations.

Leading senators from both parties in early June backed public-private partnerships as a means of providing significant new revenues for the system. Most specifically, Sen. John Portman (R-Ohio) said he and Sen. Mark Udall (D-Colo.) are seeking support for legislation to establish an endowment with matched dollar-for-dollar public-private contributions to the parks. Past such proposals recommended as much as \$1 billion per year.

The senators are following up in a way on both a private Second Century Commission report that advocates regeneration of the park system and the Park Service's *A Call to Action* of Aug. 25, 2011. *A Call to Action*

also recommends a \$1 billion endowment program.

As a follow-up to *A Call to Action*, major organizations backing NPS are attempting to identify unconventional revenues for the parks. The National Park Foundation, the National Parks Conservation Association and the National Park Hospitality Association have come up with some 16 recommendations.

The recommendations were presented March 19 to a 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 National Parks Conservation Association (NPCA) says it is attempting to persuade the Obama administration to post a significant Centennial agenda. "With the aftermath of the shutdown and the public outcry for the parks as well as the impending park centennial, this is the time for the Administration to provide additional support for our national parks," said Emily Douce, a budget and appropriations specialist for NPCA. "This work is being done at a coalition level and not through the Centennial Advisory Board."

The list of 500 projects submitted to the Centennial advisory board included such inexpensive proposals as establishing recording booths in parks around the country where visitors could tell their stories about the importance of parks to their lives.

A more ambitious proposal would have the parks set a goal of energy self-sufficiency.

Still another project, one tied to the Millennials, would have NPS adopt the

Youth Summit model of Outdoor Nation, an alliance of 100 groups around the country. Youth Summit has introduced thousands of youths to the outdoors.

The founding partners of Outdoor Nation are NPS, the Conservation Fund, Take Me Fishing, North Face and the REI Foundation. It has some 100 other partners as varied as the City Park Alliance and the Bureau of Land Management.

Still another element of the Centennial is possible legislation to replace or extend an existing recreation fee law.

Under the lead of House Public Lands subcommittee chairman Rob Bishop (R-Utah), the panel is working on a bill to extend or replace the Federal Lands Recreation Enhancement Act (FLREA), which is due to expire Dec. 8, 2015.

That law brings in about \$270 million per year and most of the money is used to improve recreation facilities.

The Park Service reaps about \$179 million per year from fees, or about eight percent of its recreation budget; the Forest Service takes in about \$66 million, or 25 percent of its recreation budget; the Bureau of Land Management receives \$18 million, or 25 percent of its recreation budget; the Fish and Wildlife Service grosses \$5 million, or one percent of its rec budget; and the Bureau of Reclamation receives less than \$1 million.

FS planning implementation advice submitted by advisors

A Forest Service advisory committee on implementation of a new planning rule submitted its recommendations to the agency November 21.

The recommendations appear to be less controversial than the rule itself. They simply flesh out the Forest Service's own strategy for implementation.

For instance, one section of the regs directs individual forests in writing plans to evaluate contributions recreation makes to a community. It directs each forest to consider such things as state comprehensive outdoor recreation plans and local land management plans.

The advisory committee suggested the agencies also consider inputs from an Outdoor Industry Association Participation Survey, a Fish and Wildlife Service hunting and fishing survey, online directories and local recreation directors.

Committee cochairs Ray Vaughn and Pam Motley said in a letter to the Department of Agriculture and the Forest Service the committee had identified 11 areas that might cause problems in implementing the forest plans.

They include adaptive management and NEPA integration. Vaughn is a public-at-large representative on the board from the environmental community and Motley is a timber industry representative.

The Forest Service completed a planning rule on March 23, 2012, that governs the preparation of individual unit plans for the 155 national forests and 20 grasslands in the National Forest System. Those plans, required by the National Forest Management Act (NFMA), govern virtually all uses in the national forests.

The Forest Service said the new rule will be tested out in these eight units of the National Forest System: the Nez Perce-Clearwater National Forest in Idaho, the Chugach National Forest in Alaska, the Cibola National Forest in New Mexico, El Yunque National Forest in Puerto Rico and California's Inyo, Sequoia and Sierra National Forests.

Indeed on November 21 the Forest Service announced the first step in the preparation of an El Yunque plan, the completion of a draft assessment.

While the advisory committee recommendations may not be controversial, the Forest Service rule

was. A coalition of public lands user groups Aug. 13, 2012, filed a major lawsuit against the rule, complaining that it goes too far in attempting to protect species.

The plaintiffs said the rule exceeds the demands of NFMA by requiring the protection of all species, and not just vertebrate species. The requirement falls under the broader policy of ecological sustainability.

The 13 plaintiffs include representatives from the forestry, livestock and recreation industries, including the American Forest Resource Council (timber industry), the Public Lands Council (livestock industry) and the BlueRibbon Coalition (motorized recreation). The suit was filed in the U.S. District Court for the District of Columbia.

In addition during the development of the rule the recreation establishment objected that recreation was not receiving the priority it deserved. The Forest Service then gave greater emphasis to recreation in the final rule.

The service said the rule provides this guidance on recreation to national forests: "In the assessment phase (§ 219.6), the responsible official must identify and evaluate existing information relevant to recreation settings, opportunities, and access, in addition to recreational infrastructure, benefits people obtain from the plan area and the contribution of multiple uses to the local, regional, and national economies."

The advisory committee recommendations and other materials are available at: <http://www.fs.usda.gov/detail/planningrule/home/?cid=stelprdb5346267>.

The 21-member advisory committee includes at least five advocates of the outdoors including Candice Price, Urban American Outdoors; Stephen Kandell, Trout Unlimited; Adam Cramer, Outdoor Alliance; Daniel Dessecker, Ruffed Grouse Society; and Russell Ehnes, National Off-Highway Vehicle Conservation Council.

House-passed energy bills agitate park advocates

Park and recreation advocates are up in arms about public lands energy bills the House approved last week. But the legislation is almost certainly not going anywhere because the Obama administration and the Senate Energy Committee chairman object to the measures.

The two key bills (HR 1965 and HR 2728) would, among other things, forbid the federal government from regulating hydraulic fracturing on public lands, require a \$5,000 fee to file a protest against a proposed lease sale, and, in general expedite leasing and approval of drilling permits.

Environmentalists attacked both bills. Ellis Richard, founder of the Park Rangers for Our Lands, said, "It's a shame that these attacks come so soon after the national upwelling of support for our national parks (during the government shutdown). Dismantling oil and gas reforms which ensure both protection of our parks and encourage responsible development is nothing short of reckless."

The Wilderness Society said the bill would make energy drilling "the main purpose" of the Bureau of Land Management, "sacrificing prime wildlife habitat, fantastic hiking and biking trails, and potentially millions of acres of wild but unprotected public lands to oil and gas drilling." The society statement was attributed to Dave Alberswerth, senior policy advisor.

But Rep. Cynthia Lummis (R-Wyo.) said the environmentalists are protesting too much because the bill would not affect national parks, wildlife refuges or other conservation lands.

"I would like to put a couple things straight that have been said," she said on the House floor. "We are not talking about all Federal lands in this bill. We are not talking about National Park Service lands. National parks and national monuments are excluded from

this bill. We are not talking about wilderness. We are not talking about lands that have been recommended for wilderness status. Those are managed as de facto wilderness. We are not talking about wildlife refuges. We are not talking about Department of Defense lands. We are not talking about Bureau of Reclamation lands. We are only talking about Bureau of Land Management lands that are managed for multiple use now."

Despite Lummis's admonition, the Office of Management and Budget (OMB) said November 19 in effect that the administration so opposes the legislation that it has no interest in compromise.

Said OMB in a Statement of Administration Policy, "The Administration strongly opposes H.R. 1965, which would undermine the Nation's energy security; roll back policies that support the continued growth of safe and responsible energy production in the United States; discourage environmental analysis and civic engagement in Federal decision-making; direct that Federal lands be managed for the primary purpose of energy development rather than for thoughtfully balanced multiple uses; and undermine public resource management plans that establish a balance between energy development and resource protection."

Senate Energy Committee Democrats are not eager to take up the measure. Said a spokesman for chairman Sen. Ron Wyden (D-Ore.), "At a time when our country is already on track to become the world's top producer of oil and natural gas, these bills would throw bedrock environmental protections in the trash can to allow major oil companies to chase higher profits."

The spokesman, Keith Chu, added, "Just as bad is the proposal to charge far more for an individual to protest a drilling permit (\$5,000) than for corporations to apply for a permit to export liquefied natural gas (\$50). As the White House veto threat makes clear, these bills cannot become law."

Asked what energy legislation

Wyden is working on, Chu said, "Sen. Wyden is willing to discuss ways to improve federal management of energy on public lands, including speeding up permitting for renewables and building pipelines not only faster but better, but not at the expense of common-sense rules that ensure clean drinking water and reasonable oversight of oil and gas operations."

The House passed similar packages of public lands energy legislation in the last Congress only to see them die in the Senate.

Rep. Doug Lamborn (R-Colo.), author of HR 1965 that addresses expediting permits, said the legislation would increase development of needed energy from the public lands.

"In recent years we have seen a boom in energy jobs and economic growth on state and private lands," he said. "I believe the only reason we haven't seen that same dynamic growth on federal lands is because of excess regulations. My bill would reduce the federal red tape and frivolous lawsuits that act as stumbling blocks to job creation and energy development."

The Independent Petroleum Association of America (IPAA) praised the House action, singling out the hydraulic fracturing bill. Said IPAA President Barry Russell, "The long history of effective state regulation demonstrates that a one-size-fits-all federal requirement is unnecessary and will not increase environmental protection,"

Fracking: The fracking bill from Rep. Bill Flores (R-Texas) follows the long-standing recommendation of the oil and gas industry that states be the sole managers of hydraulic fracturing on the public lands. The House approved HR 2728 in a 232-to-187 vote.

In the Senate, Sen. Orrin Hatch (R-Utah) and three of his colleagues introduced a counterpart bill (S 1743) November 20.

Permit reform and leasing reform: The House approved Lamborn's HR 1965

in a 228-to-192 vote. The bill would require a final decision on applications for permit to drill within 30 days or the applications would be considered approved. It would impose a new \$5,000 permit protest fee.

Refuge advocates team up as new poll shows NPS backing

While the National Park System rides a wave of support initiated by the federal government shutdown in October, supporters of the Fish and Wildlife Service (FWS) are beating the drums on behalf of wildlife refuges.

A broad coalition of wildlife refuge advocates - ranging from the National Rifle Association to Defenders of Wildlife - last week joined forces with the Theodore Roosevelt Conservation Partnership (TRCP) to campaign for assistance for the refuge system.

TRCP President Whit Fosburgh said his organization - already a broad coalition of hunting and fishing groups - would become a working member of the Cooperative Alliance for Refuge Enhancement (CARE).

"As part of CARE, we at the TRCP look forward to working with the coalition's diverse membership to advocate for increased funding for the Refuge System - and to continuing to enhance and expand the ability of sportsmen to access high-quality areas of habitat," he said.

The time is ripe. Congressional budgeteers are attempting right now to strike an overall spending agreement, to be followed in December by appropriators writing full fiscal year 2014 appropriations bills.

Because of the massive publicity the Park Service received during the October 1 to October 16 government shutdown, the agency is riding high with House and Senate members. That is demonstrated by the half-dozen bills various legislators have introduced in the last month to keep the parks open in the event of another government shutdown. (See page one article.)

Attendant to the shutdown the National Parks Conservation Association (NPCA) November 18 released the results of a poll conducted by Hart Research Associates that describes broad public support for the national parks.

Said Craig Obey, senior vice president of government affairs for NPCA, "Rather than close parks and cut parks budgets, voters want Washington to invest in national parks and expand outdoor opportunities."

He continued, "While the gates to our national parks may have re-opened, many parks remain partially closed because their budgets have been so severely cut. Over the last three years, the budget to operate our national parks has been cut by 13 percent in today's dollars. American voters clearly feel that the budget sequester went too far in cutting funds for national parks and is a mistake that should not be repeated or continued."

The Hart poll makes these points:

"Voters overwhelmingly agree (82%, including 62% who strongly agree) that the closing of national parks during the government shutdown was a good reminder of how important the national parks are and why we need to keep them open."

"A majority (55%) of voters feel the across-the-board federal spending cuts known as the sequester went too far in cuts to funding for national parks. Fewer than one in 10 (9%) say the funding cuts to national parks did not go far enough."

"Furthermore, voters overwhelmingly oppose additional cuts to parks' budgets. Thinking about where Congress should cut federal spending in order to reduce the budget deficit, three in four (74%) say that there should be no additional cuts in spending that goes to protect and maintain national parks and other public lands."

The results of the poll are available at:
<http://www.americanprogress.org/wp-content/uploads/2013/11/Me11044-Public-Lands-Memo.pdf>

The National Park Service of course competes with the Fish and Wildlife Service for appropriations money from an Interior Department and Related Agencies appropriations bill.

Arguing for more funding for the refuges system is an October 2013 report from the Fish and Wildlife Service that concludes in fiscal year 2011 visitors to refuges contributed \$792.2 million in employment income. The report, *Banking on Nature*, is available at: <http://www.doi.gov/news/loader.cfm?csModule=security/getfile&pageid=380921>.

The CARE alliance includes 23 groups, counting TRCP, and running alphabetically from the American Birding Association to the Wildlife Management Institute. The National Wildlife Refuge Association currently chairs CARE.

Notes

Chief Chambers to retire. U.S. Park Police Chief Teresa Chambers, who fought an eight-year battle to be reinstated in that job, said November 21 she will retire on December 7. Chambers, 56, was fired from the chief's job in 2002 for talking to the press. She had championed increased appropriations for her command overseeing national parks in Washington, D.C. With the help of the Public Employees for Environmental Responsibility environmental group she contested her firing. In 2010 she won her legal challenges and was reinstated as chief. "The stand Chief Chambers took has helped others sound the alarm to better protect the public," said PEER senior counsel Paula Dinerstein who led the Chambers legal team. "Teresa Chambers's example has inspired countless others to risk honesty in the public interest." Chambers has served 35 years as a police officer.

BLM nominee gets a boost. The Public Lands Foundation, an alliance of retired Bureau of Land Management (BLM) employees, November 21 endorsed the nomination of acting director Neil Kornze as director. The Obama administration said November 7 it

intended to nominate Kornze, who will require Senate confirmation. The foundation's endorsement matters because BLMers customarily recommend that directors come from the ranks. Although Kornze served a term as deputy director for policy for BLM, he also worked on the Hill as an aide to Senate Majority Leader Harry Reid (D-Nev.), staffing a 2009 omnibus lands bill, among other things. Said Public Lands Foundation President Edward W. Shepard in a letter to Senate Energy Committee leaders, "The PLF urges Mr. Kornze's expedited confirmation. We believe it important to have a confirmed Director in place to lead the BLM. Further, the PLF encourages the placement of experienced natural resource professionals in key management positions within the BLM, including the Deputy Director for Operations, Assistant Director, State Director and District Manager positions, and we feel Mr. Kornze recognizes how essential experienced natural resource professionals are for the management of the public lands." The Defenders of Wildlife environmental group praised Kornze's upcoming nomination. Said Defenders President Jamie Rappaport Clark, "We at Defenders are glad to see President Obama continue to choose conservation-focused individuals to lead our wildlife agencies. Neil Kornze's effort to promote responsible energy development and avoid damaging vulnerable wildlife habitat shows that he is committed to preserving our precious natural heritage." Kornze is one of four proposed Interior Department nominees the Obama administration has announced in the last month. 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. The White House said November 6 that Obama intends to nominate veteran Washington, D.C., attorney Janice M. Schneider as the next assistant secretary of Interior for Land and Minerals Management. And on November 7 the White House announced that Obama will nominate Tommy Beaudreau as assistant secretary of Interior for Policy. Beaudreau is currently director of the Bureau of Ocean Energy Management.

Masica to head NPS in Rockies.

The Park Service said November 18 that Alaska Regional Director Sue Masica will take over as Intermountain Regional Director in January. Masica has 25 years of federal service, including tours in Washington, D.C. She has headed the Alaska NPS office since May 2008. The Intermountain Region contains National Park System units in Montana, Colorado, Utah, Arizona, New Mexico, Texas and Oklahoma.

Lake Tahoe resort expansion eyed.

The Forest Service said November 19 it will prepare an EIS on a proposal by Heavenly Mountain Resort to expand its non-skiing operations in Lake Tahoe on federal lands. The Epic Discovery Project, located at Adventure Peak at the top of the Heavenly Gondola, would spread out to the east and west. Among the planned year-round activities are zip lines, sky cycles, sledding, disc golf, a mountain bike park and so on. Among other things the Forest Service said it would assess the impact of the project on existing recreation activities within the Lake Tahoe Basin Management Unit of the Forest Service.

BlueRibbon selects new boss.

The BlueRibbon Coalition has announced that Del Albright, recently a state environmental affairs coordinator for the California Association of Four Wheel Drive Clubs, will direct operations of the coalition. The group's executive director since 2006, Greg Mumm, announced November 2 that he was leaving the coalition. Albright served for 26 years in the California Department of Forestry. The BlueRibbon Coalition is an aggressive national advocate for motorized transportation. Brian Hawthorne, public lands director of the coalition, began an extended sabbatical November 1.

Ozark plan given cool reception.

Rep. Jason Smith (R-Mo.) told NPS Director Jon Jarvis a fortnight ago that he is adamantly opposed to a proposed Ozark National Scenic Riverways management plan. NPS announced completion of the draft plan November 1. In a letter to Jarvis November 12 Smith said, "It appears that the goal of this plan is to shutdown public

access points to the rivers, eliminate motorized boat traffic from certain areas, further restrict boat motor horsepower in other areas, close several gravel bars, and propose additional areas to be designated as federal wilderness. Mr. Director, I feel the need to personally, and formally, inform you that I am adamantly opposed to all of these proposals on behalf of my constituents and their local businesses." Superintendent Bill Black said on publication of the draft plan, "Our goal remains to develop a final plan that will provide a variety of recreational opportunities while continuing to preserve and protect the natural and cultural resources of Ozark National Scenic Riverways for future generations."

NPS adds three water trails.

The Park Service said November 18 it has added three water trails in Iowa, Michigan, Nebraska and South Dakota to the National Water Trails System. The Island Loop Route in St. Clair County, Mich., includes parts of Lake Huron, a canal and two rivers. The Missouri National Recreation River Water Trail extends over more than 147 miles in South Dakota, Nebraska and Iowa. The Red Rock Water Trail loops around 36 miles of Lake Red Rock in Iowa. The National Water Trails are part of the National Trails System, www.nps.gov/watertrails. They are not related to the controversial National Blueways System that has Republicans up in arms. Blueways are areawide ecosystems based on major waterways. There is only one, a Connecticut River and Watershed National Blueway in New England. Secretary of Interior Sally Jewell July 17 called a halt to the blueway program after Republicans charged the public was not fully consulted about possible designations by the administration. The Republicans also questioned the impact of designations on water rights and property rights.

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). That may clear the way for the addition of the withdrawals to a giant Department

of Defense authorization bill (S 1197) that is now on the Senate floor. The House June 14 approved three of the withdrawals and for the fourth, China Lake Naval Station in California, proposed the outright transfer of one million acres of 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 its Defense authorization bill (HR 1960). The Senate is now addressing a counterpart Defense bill, S 1197. 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. In addition Senate Energy Committee Chairman Ron Wyden (D-Ore.) November 18 and November 19 proposed amendments (SA 2100 and SA 2282) to the Defense authorization bill that would pick up the withdrawals and transfers. The Office of Management and Budget (OMB) November 18 urged the Senate to include the withdrawals in S 1197. Said OMB, "The Administration urges the inclusion of the renewals of withdrawals for the China Lake, Limestone Hills, and Chocolate Mountains ranges. These withdrawals are critical to the continued readiness of the nation's armed forces."

Boxscore of Legislation

Appropriations Interim Fiscal 2014

HR 2775 (Black). President Obama signed into law October 16 as PL 113-46. CR keeps the government in money through January 15 at fiscal 2013 levels, including sequestration deductions.

Appropriations Fiscal 2014 (Interior)

No bill number yet. House committee began mark-up July 31. Draft Senate bill proposed August 1. House panel would keep NPS operations about level

but cut severely almost all conservation programs. Senate would appropriate significant increases.

Appropriations Fiscal 2014 (Agriculture)

HR 2410 (Aderholt). House committee approved June 13. Senate committee approved June 20. Senate committee would provide more money.

Appropriations Fiscal 2014 (Energy and Water)

HR 2609 (Frelinghuysen). House approved July 10. Senate committee approved June 27. Senate bill would provide significantly more money.

Appropriations Fiscal 2014 (Transportation)

HR 2610 (Latham), S 1243 (. House bill pulled from floor July 31. Senate bill approved from floor August 1. Senate bill would provide significantly more money.

Congressional Budget Fiscal 2014

H Con Res 25 (Ryan), S Con Res 8 (Murray). House-Senate conference has until December 13 to complete its work. Senate anticipates \$6 billion more for natural resources than House.

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 recreation commission with members appointed by Congress and the White House.

National monuments

HR 250 (Chaffetz), HR 382 (Foxx), HR 432 (Amodei), HR 1434 (Daines), HR 1439 (Labrador), HR 151 (Pearce), HR 757 (Stewart), HR 1459 (Bishop), HR

1495 (Gosar), HR 2192 (Nunes), S 104 (Vitter), S 472 (Heller). House hearing April 16. Would require Congressional approval or state approval of national monuments 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 1947 (Lucas). Senate approved June 11. House approved July 11. Both would establish new farm policy for several years.

Hunting federal lands

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

WRDA (Everglades)

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

Hatteras ORVs

HR 819 (Jones), S 486 (Burr). House committee approved May 15. Senate committee approved June 18. House would rescind a Park Service policy limiting off-road-vehicles on the seashore.

Manhattan Project park

HR 1208 (Hastings), S 507 (Cantwell). House approved July 8 as part of Defense authorization bill (HR 1960). Senate committee approved June 27. Would authorize a Manhattan Project National Historical Park to commemorate the Atomic Bomb.

Gettysburg addition

HR 1513 (Scott), S 782 (Casey). House committee approved September 20. Senate committee approved November 21. Would add Gettysburg Train Station to military park.