

# Federal Parks & Recreation

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**Bishop asks for details of old LWCF buys before renewal**

Faced with demands from both political parties for immediate action on the reauthorization of the Land and Water Conservation Fund (LWCF), Rep. Rob Bishop (R-Utah) last week played for time.

Following up on his long-held contention that maintenance of existing properties should come before acquisition, he asked federal land managers for a detailed description of lands purchased under the fund over the last 50 years.

Bishop did acknowledge in letters to Secretary of Interior Sally Jewell and Secretary of Agriculture Tom Vilsack that the House Natural Resources Committee he chairs would address renewal of the LWCF law, which expired September 30. But he said the committee should know the facts before proceeding.

"The House Committee on Natural Resources is closely examining the law to make necessary changes and improvements," he wrote. "To simply reauthorize the law, without first examining its successes and addressing its failures, would be irresponsible."

He added, "(T)he Committee is concerned that land adjustment efforts, including conveyances and exchanges, are languishing while land management agencies are focusing almost solely on new acquisitions."

Bishop then asked for details on lands department agencies had acquired over the last 50 years, acreage, cost, location, wildfire risk, follow-through on acquisition purposes (a planned trail built), and more.

Bishop's office this week confirmed

a bill is in the works. "Mr. Bishop is considering multiple paths of reform and will have a bill in the next month," said his spokeswoman.

"We are anxious to hear from Interior about how much they know about the land that the federal government currently owns and we hope to have a timely response. Right now, we are focused on putting together legislation and the timeline after will be determined at a later date."

The ranking Democrat on the House panel, Rep. Raúl M. Grijalva (D-Ariz.), charged Bishop with laying the groundwork for an evisceration of the law. "The content of these questions demonstrates a fundamental misunderstanding of the Act, the level of detail betrays a desire to obstruct reauthorization rather than facilitate it, and the tone of the letter evidences hostility to the program's bipartisan and popular goals," Grijalva wrote in a letter to Bishop October 8.

He then gave Bishop some of the data the chairman requested. "According to an excellent report prepared by the Congressional Research Service (RL33531), last updated in June and available online, a total of \$37.1 billion has been credited to the LWCF," Grijalva said. "Congress has appropriated \$17.1 billion of that for purposes of the Act, of which 61% has been for federal land acquisition. If our math is correct, \$10.37 billion has been spent on federal land acquisition over the 50-year life of the program, or an average of roughly \$200 million a year."

For all the back-and-forth in the House the Senate has been more active on the issue than the House, although problems there remain as well.

Three times in the last three weeks supporters of LWCF have asked the Senate to approve bills (S 338, S 2101) under a unanimous consent procedures that would simply reauthorize the program as is. But each time western Republican senators have objected, saying the Senate Energy Committee and Bishop's committee should be given time to write legislation first.

Most recently Republican Sen. Kelly Ayotte (R-N.H.), backed by Republican Sen. Lamar Alexander (R-Tenn.), on October 8 asked the Senate again to approve S 338. Said Ayotte, "Protecting our treasured outdoor spaces is not a partisan issue. We should work together on this issue and extend this important fund."

Sen. Mike Lee (R-Utah), who shares Bishop's antipathy to federal land acquisition, objected, preventing passage. Lee said that the Senate Energy Committee and the House Natural Resources Committee should be given time to write legislation that addresses his concerns.

"These issues involve, for instance, the maintenance backlog that we have with regard to many of our national parks and public lands and also with regard to the manner in which the Federal Government acquires new land," he said. "This is of concern to many of us, especially those of us who come from a State like mine where the Federal Government owns nearly 70 percent of the land."

Besides, said Lee, the fund enjoys a \$20 billion surplus. "If you assume the current rate of appropriations is roughly \$300 million per year, it would take around 60 years before that fund is exhausted," he said.

To which, Grijalva said, that surplus is only a chimera. "With the program's expiration, I fear the Republican majority will feel less pressure than ever to appropriate a dime of that money to LWCF," he said. "With the program expiring, the Outer Continental Shelf royalty will go into the general treasury fund and the majority will ignore LWCF even more than it already has."

Program supporters were particularly upset that a short-term fiscal year 2016 spending resolution enacted September 30 did not include LWCF reauthorization.

Program supporter Sen. Michael Bennet (D-Colo.) criticized Senate Republicans for not including a program

extension in the continuing resolution President Obama signed into law September 30 (PL 114-53). "There is strong bipartisan support for the LWCF, and we're extremely disappointed that reauthorization was not included in the funding bill we're considering today," he said September 24. "We need to renew this program before it expires to ensure that future generations of Coloradans will continue to enjoy these areas."

After a 50-year run the LWCF Act expired on September 30, although Congress could still appropriate money for it in annual spending bills, such as the fiscal 2016 Interior approps bills, even though it did expire.

To reauthorize the law the Senate Energy Committee approved legislation (S 2012) July 30 that would extend LWCF permanently. The bill, from chairman Lisa Murkowski (R-Alaska) and ranking Democrat Maria Cantwell (D-Wash.), would also establish a \$150 million per year Park Service maintenance account.

Numerous stand-alone bills have been introduced in the Senate to reauthorize LWCF including S 338 from Sen. Richard Burr (R-N.C.), S 890 from Sen. Maria Cantwell (D-Wash.), S 1925 from Sen. Martin Heinrich (D-N.M.) and S 2165 from Cantwell.

The House has not been as active as the Senate. One bill to reauthorize LWCF (HR 1814) has been introduced, albeit with more than 140 cosponsors from both parties, led by Grijalva. That measure has not moved.

The Obama administration has at every opportunity this year urged Congress to reauthorize the LWCF Act. Most recently, Jewell teamed with Sen. Ron Wyden (D-Ore.) at an October 13 event in Portland, Ore., to promote the renewal of the act.

In June the Senate Appropriations Committee in a fiscal year 2016 appropriations bill (S 1645) approved an expenditure of \$157.5 million for federal land acquisition and \$55 million for state grants.

A counterpart House spending bill

(S 2822) that is now stalled on the floor would appropriate \$91 million for the federal side and \$48 million for state grants. The fiscal 2015 appropriation for state grants was \$48 million.

The Bishop letter to the Secretaries of Agriculture and Interior is available here:

[http://naturalresources.house.gov/uploadedfiles/letter\\_to\\_jewell\\_and\\_vilsack\\_-\\_10.07.15.pdf](http://naturalresources.house.gov/uploadedfiles/letter_to_jewell_and_vilsack_-_10.07.15.pdf).

## Highway legislation outlines emerge, but still no money

Congress almost certainly will be forced to extend the existing surface transportation law beyond its looming October 29 expiration date.

That will give the House Transportation Committee time to mark up its version of a six-year surface transportation bill that would replace the existing law, known as Moving Ahead for Progress in the 21st Century Act (MAP-21).

House Transportation Committee Chairman Bill Shuster (R-Pa.) announced this week that his panel would mark up a bill on October 22.

What happens after that is the great unknown. Most important, the House Ways and Means Committee must come up with a plan to pay for the bill. And last week negotiations reportedly fell through to use reforms of international tax law to do the job.

If money is found, then the House must negotiate the details of policy and financing with the Senate, which approved its six-year bill July 30, albeit only with funding for three years.

The implications for national parks and outdoor recreation of the murky political situation are far from clear. However, the House Transportation Committee is expected to pass a bill as early as next week based on a 2012 measure the committee prepared that would keep most outdoor programs alive, such as Transportation Enhancements, Recreational Trails and

federal land management agency roads.

The Senate-passed bill (HR 22) and an Obama administration bill (HR 2410) would also keep the outdoor programs alive and healthy under an umbrella initiative called the Transportation Alternative Program (TAP).

More than a dozen times in the last few years Congress has resorted to temporary extensions to keep surface transportation programs in money. Most recently, Congress on July 31 extended MAP-21 for three months, through October 29 (PL 114-41).

The hang-up is money. The House Ways and Means Committee under chairman Paul Ryan (R-Wis.), the Obama administration and some leading Senate Democrats had until last week been negotiating international tax reforms that would generate enough money to keep surface transportation laws going, at least for a few years.

The international tax reforms, when combined with \$34 billion or so in annual gasoline taxes, would help pay for the nation's highways, mass transit and recreation programs.

Some Democrats are still urging a politically-risky increase in the gasoline tax from its current level of 18.5 cents per gallon, which hasn't been increased for 20 years. Rep. Earl Blumenauer (D-Ore.) has introduced a bill (HR 680) that would increase the tax by 15 cents per gallon over the next three years.

Congress must get to work now, said Sen. Barbara Boxer (D-Calif.), no matter who pays the bills. Boxer, ranking Democrat on the Senate Environment and Public Works Committee that drafted HR 22, laid the blame on the House last week.

In a speech on the floor she said, "Now we are up against this deadline and what has the House done? I had received assurances that the House would follow the lead of the Senate and introduce and pass a long-term transportation bill. It has not done so. So I ask - where is the House bill?"

Here are the administration, Senate and House positions, assuming the House Transportation Committee follows the lead of its 2012 bill:

**Obama bill:** The administration bill (HR 2410) called Grow America recommends that Congress allocate \$847 million to the TAP program in fiscal year 2016, up \$27 million from a fiscal 2015 allocation of \$820 million.

The bill would have the TAP allocation, which would receive two percent of highway account money from the Highway Trust Fund, increase marginally each year after that.

Under the existing MAP-21 law the umbrella TAP finances such individual programs as Recreational Trails, Transportation Enhancements, Scenic Byways, and Safe Routes to School.

The bill also recommends a \$277 million increase in spending on federal agency and Indian roads for fiscal year 2016, from \$1 billion in fiscal 2015 to \$1.277 billion in fiscal 2016. Much of that increase would be used for large, expensive projects.

By category the Indian and federal agency account would distribute \$507 million to tribal roads, \$370 million to federal lands (80 percent Interior Department, 15 percent Forest Service and five percent Corps of Engineers), \$250 million to a federal lands access program and \$150 million for nationally significant federal land tribal projects.

The last nationally significant project program is new.

**Senate bill:** The bill (HR 22) the Senate approved July 30 called DRIVE, as in Developing a Reliable and Innovative Vision for the Economy Act, would extend the existing TAP program. In total for TAP the bill would allocate \$850 million per year for the next six years.

For the other park and rec half of traditional surface transportation laws - federal lands roads - the Senate bill would allocate \$560 million for fiscal year 2016, broken down as follows: \$305 million for federal land roads, with

\$240 million of that set aside for the National Park Service and \$30 million for the Fish and Wildlife Service (FWS). A federal lands access program would receive an additional \$255 million for major projects.

By fiscal 2021 the DRIVE Act would increase the ante for Federal Lands Roads to \$330 million, with the same set-asides for NPS and FWS, and \$280 million for access.

**Old House bill:** At this point House Transportation Committee Chairman Shuster has not indicated what his recommendation is for the policy end of a multi-year surface transportation bill. However, it is understood he is looking closely at the outline of a bill his committee developed in 2012.

That measure would have set up a TAP-like fund under which Transportation Enhancements, Scenic Byways and Safe Routes to School would compete for money. However, the committee bill would have retained a recreational trails program as a set-aside program with a guaranteed allocation of \$85 million per year for five years.

For federal lands roads the House committee bill would have set aside \$535 million per year, 38 percent of which would go to National Park Service roads (or \$203 million), 32 percent to Forest Service roads (\$171 million) and 4.5 percent to the Fish and Wildlife Service.

## **Feinstein pushes Calif. Desert monument two ways**

The drumbeats calling for the designation of a new, million-acre national monument in the California Desert are getting louder.

In the latest flurry of activity senior Interior and Agriculture Department officials appeared in Whitewater, Calif., October 13 with Sen. Dianne Feinstein (D-Calif.) as she promoted her proposal for three new monuments.

Feinstein has introduced

legislation (S 414) that would designate a 921,000-acre Mojave Trails National Monument, a 135,000-acre Sand to Snow National Monument and an 8,000-acre Castle Mountains National Monument.

Although the Senate Energy Committee held a hearing October 8 on Feinstein's bill, the senator apparently fears Congress won't act on her bill.

So she is also asking the administration to use the Antiquities Act of 1906 to unilaterally designate a monument.

At a public hearing in the California Desert October 13, Feinstein said, "The California Desert is a magnificent national treasure, and I won't rest in my efforts to ensure it stays that way for generations to come," she said. "Critical parts of the desert are at risk and need our support."

Appearing with Feinstein at the event, Deputy Secretary of the Interior Michael Connor praised the conservation attributes of the area, without committing to a monument designation. "The Mojave Desert of Southern California is a resource beloved by millions of Americans for its stark beauty, rich cultural history and outdoor recreational opportunities," he said.

There are differences of opinion. Rep. Paul Cook (R-Calif.) introduced a new factor in the debate over Mojave Trails October 1 by introducing legislation (HR 3668) that, while designating some protective areas, would make important concessions to consumptive users.

Most importantly Cook would designate the million-acres Mojave Trails as a special management area, whereas Feinstein would designate it as a more protective national monument.

In addition, Cook would allow hard rock miners to explore up to 10 percent of the special area for new claims. That will almost certainly not be acceptable to Feinstein and the Obama administration.

Off-road vehicle advocates share some of Cook's concerns about Feinstein's request for a Presidential designation. Americans for Responsible Recreational Access posted an e-mail alert last week and said, "It is inappropriate for the Administration to even consider a National Monument designation in the area as Feinstein's collaboratively developed legislation is moving in the Senate, and Rep. Paul Cook has recently introduced companion legislation in the House."

So Feinstein appears to be following a two-track strategy - move legislation and at the same time ask President Obama to designate the area a monument, obviating the need for legislation.

That's fine with The Wilderness Society, which said after the October 8 Senate hearing, "The Wilderness Society strongly supports Senator Feinstein's dual track approach of also seeking the President's use of the Antiquities Act to achieve the same result of protecting areas in her bill, such as Mojave Trails, Sand to Snow and Castle Mountain."

In that vein a national campaign by recreation-related businesses and conservationists came to Washington, D.C., a fortnight ago to seek designation of four national monuments by the President, including the Mojave Trails.

The 3.5 million acres of federal lands, many of them already in the running for designation, are at Golden Butte, Nev.; Owyhee Canyonlands, Ore.; Birthplace of Rivers, W.Va.; and California Desert.

President Obama has aggressively used his authority to designate national monuments on federal land under the Antiquities Act of 1906. Most recently on July 9 he designated three more - a 704,000-acre Basin and Range National Monument in southern Nevada, a 330,780-acre Berryessa Snow Mountain National Monument in northern California, and a five-acre Waco Mammoth National Monument in Waco, Texas.

Congressional Republicans are critical of most of Obama's monument actions. They have introduced numerous bills to require Congressional and/or state approval of any monument.

And Rep. Crescent Hardy (R-Nev.) persuaded the House July 8 to approve an amendment to a fiscal year 2016 appropriations bill (HR 2822) that would forbid the designation of national monuments in 17 counties in Arizona, California, Colorado, New Mexico, Nevada, Oregon and Utah. The vote was 222-to-206.

### **Appeals court stay halts wetland permit rule all over**

A federal appeals court dealt the Obama administration's new wetlands permit regulations a second legal blow October 10. The Sixth U.S. Circuit Court of Appeals stayed the regulation nationwide.

That follows up on an August 27 injunction from Chief U.S. District Court Judge Ralph R. Erickson in North Dakota, that blocked the rule in 13 states, most of them in the West.

In the more recent circuit court decision, the panel took particular issue with provisions of the regulation that define what waters adjacent to, or involved with, navigable waters should require a permit. Section 404 of the Clean Water Act requires permits for the disturbance of wetlands.

The Sixth Circuit said EPA and the Corps when soliciting public opinion did not define what activities a certain distance from navigable waters would require a permit. And the final rule did establish such distances.

"Although the record compiled by respondent agencies is extensive, respondents have failed to identify anything in the record that would substantiate a finding that the public had reasonably specific notice that the distance-based limitations adopted in the Rule were among the range of alternatives being considered," said the court.

The appeals court said the plaintiffs - 18 states - "have demonstrated a substantial possibility of success on the merits of their claims."

EPA and the Corps put out a statement saying they will follow the court's order not to implement the rule and said they would continue to litigate the matter.

The separate injunction issued by judge Erickson August 27 also attacked the rule's explanation of what projects would require a permit by saying "the definition of a tributary here includes vast numbers of waters that are unlikely to have a nexus to navigable waters within any reasonable understanding of the term."

In its rule EPA and the Corps said of the crucial question of what water bodies demand protection, "The rule says that a tributary must show physical features of flowing water - a bed, bank, and ordinary high water mark - to warrant protection. The rule provides protection for headwaters that have these features and science shows can have a significant connection to downstream waters."

The National Wildlife Federation, which supports the rule, took some succor from a portion of the stay where the court said EPA and the Corps acted "based on reliable peer-reviewed science." Said federation President Collin O'Mara, "We are confident that the strong scientific basis and clear legal authority underpinning the rule will ensure that it is ultimately upheld in the courts."

But the federation didn't mention the next sentence of the stay that says, "Yet, the sheer breadth of the ripple effects caused by the Rule's definitional changes counsels strongly in favor of maintaining the status quo for the time being."

The federation, along with dozens of other sportsmen's groups, argues the expansive EPA/Corps definition of waters requiring a permit is necessary to protect conservation lands, especially

wildfowl breeding grounds.

Commercial users of the nation's wetlands celebrated. Said National Cattlemen's Association President Phillip Ellis, "This is great news for cattlemen and women and all land users who have been at a loss as to how to interpret this rule. A stay by the Court has the same effect as an injunction, and this action prevents the EPA and Army Corps from implementing this disastrous rule across the country."

Congress has been active on the issue, with the House and Senate attempting to move riders to various pending bills to stop the rule. Those bills include fiscal year 2016 Interior and Related Agencies appropriations measures (HR 2822, S 1645) that the Senate and House Appropriations Committees approved in June.

Said Sen. John Barrasso (R-Wyo.), one of the rule's strongest critics, after the circuit court ruling, "The EPA is fixated on unilaterally imposing impractical, ideology-based rules. It's time for the agency to go back to the drawing board and work with Congress to write a reasonable rule that truly protects America's waterways while also safeguarding the rights of citizens."

## **Multi-provision sportsmen's bill moving in House**

The House Natural Resources Committee approved an omnibus, 13-tile sportsmen's bill (HR 2406) October 8 that contains numerous controversial provisions.

On a nearly party line vote the committee approved HR 2406 by 21-to-15.

Perhaps the most popular provision would declare federal lands managed by the Bureau of Land Management and the Forest Service open to hunting and fishing unless specifically closed.

Another broadly popular provision would reauthorize the Federal Land Transaction Facilitation Act (FLTFA), which transfers money from federal land

sales to conservation purchases.

One quite popular sportsmen's provision didn't make the cut - a proposal to set aside at least 1.5 percent of annual Land and Water Conservation Fund (LWCF) money to secure access to public lands for hunting, fishing and other recreational uses.

During consideration of the bill, committee Democrats jumped on the opportunity to offer amendments to reauthorize the underlying LWCF Act. That may have been a ploy to embarrass committee chairman Rob Bishop (R-Utah), who is developing legislation to reauthorize the underlying LWCF law. However, Bishop is reportedly interested in diverting some LWCF money away from land acquisition and to federal land maintenance, a strategy opposed by the Democrats. *(See related article page one.)*

Rep. Jared Huffman (D-Calif.) offered an amendment to HR 2406 in committee that would reauthorize LWCF, which technically expired September 30. The committee defeated his amendment 16-to-22.

In addition Rep. Don Beyer (D-Va.) offered a substitute amendment to HR 2406 that also included the LWCF reauthorization. It was defeated 15-to-21.

Sportsmen represented by the Theodore Roosevelt Conservation Partnership (TRCP) said House committee passage of the bill was a promising first step. "At a time when lack of access is one of the greatest barriers for hunter and angler recruitment and retention, we're anxious to see a comprehensive and bipartisan sportsmen's package advance to the President's desk. Today's action by the Natural Resources Committee is an important first step in that process," said Whit Fosburgh, president of TRCP.

Among other things HR 2406, introduced by Rep. Rob Wittman (R-Va.), would bar limitations on the use of lead in ammunition components and fishing tackle, encourage target practice on public lands, authorize visitors to Corps of Engineers recreation areas to

bear arms, among other things.

Several other packages of sportsmen's bills are circulating. In late July seven House members from both political parties introduced legislation (HR 3173) that includes the FLTFA provision. It also includes the provision requiring at least 1.5 percent of annual Land and Water Conservation Fund money be used to secure access to public lands for hunting, fishing and other recreational uses.

Similar packages of legislation have been introduced in the last three Congresses. In early February three Republican and three Democratic senators introduced an omnibus public lands sportsmen's bill (S 405) with 14 separate provisions, including FLTFA.

Lead sponsor Sen. Lisa Murkowski (R-Alaska) and her three cosponsors talked optimistically of securing final passage for the package in this Congress that has now been introduced in the last three Congresses.

## **Obama commits to two marine sanctuaries; others on way?**

The flurry of interest in marine monuments accelerated last week with the announcement by President Obama that he intends to designate two such monuments, one in Wisconsin and one in Maryland.

The day after the October 5 announcement Secretary of State John Kerry said the administration is working on still another marine sanctuary off the Atlantic Coast. And if that is the same area recommended for monument status by environmentalists near Maine and Massachusetts, it could be controversial.

Said Kerry at an Our Oceans conference in Chile, "(W)e also have plans in the works which we are pursuing for still another significant one in the Atlantic, where we don't have the kind of presence that we want and should, and we're working with senators engaged in that particular area in order to make that happen. We had hoped to be able to get there; we have a few administrative

challenges yet to get over, but I'm confident that we will."

Republicans are not crazy about the designation of major new marine sanctuaries. At a House subcommittee on Water hearing September 29 on a possible Atlantic monument Chairman John Fleming (R-La.) said, "The only thing monumental in all of this is the staggering impact it could have on our seafood markets."

Andrew A. Rosenberg, director of the Center for Science at the Union of Concerned Scientists, defended the proposal. "It is important to recognize in this instance, putting a protected area in place before extensive exploitation is underway is far easier, more efficient and less disruptive than waiting to try to conserve resources once fishing or other actions are already ramping up," he said.

Pew and the Conservation Law Foundation have requested the Atlantic monument.

Separately, Public Employees for Environmental Responsibility (PEER) has twice recommended designation of a massive national monument in Alaska waters. The National Oceanic and Atmospheric Administration (NOAA) on January 26 refused to act on an initial PEER request on the grounds that it wouldn't recommend such a sanctuary with narrow public support. NOAA said the nomination should include support from native groups or local governments, along with industries dependent on the waters.

A new, revised PEER recommendation calls for three national monuments - Aleutian Islands, Bering Strait and Arctic Coastal. Rep. Don Young (R-Alaska) has introduced legislation (HR 332) to prohibit the Secretary of Commerce from designating marine sanctuaries under the National Marine Sanctuary Act without Congressional approval.

House Republicans hold the idea of Presidentially-designated marine monuments in the same contempt they hold Presidentially-designated national monuments on dry public lands in

the West. Despite that, the Obama administration has been active in the national monument field. *(See separate article on a possible Mojave Trails National Monument in California on page 5.)*

Obama announced his plans to designate the two new marine monuments in Wisconsin and Maryland in a video submitted to the Our Oceans conference, which Kerry backed.

The bigger of the two would occupy 875 square miles of Lake Michigan near Wisconsin. The area is famed for the 40 or so shipwrecks in the area that are listed in the National Register of Historic Places.

The smaller sanctuary would occupy a 14-square mile section of the Potomac River in Maryland called Mallow's Bay.

## **Biggest set of BP Gulf oil spill cleanup projects aired**

Federal and state officials proposed billions of dollars of Gulf of Mexico restoration projects October 5 with recreation in federal and state parks and refuges prominent among them.

One proposal would allocate more than \$85 million to Gulf State Park in Alabama for rebuilding visitor centers and restoring degraded dunes.

A separate federal project would allocate more than \$22 million to restore recreational opportunities in Gulf Islands National Seashore in Mississippi and Bon Secour National Wildlife Refuge in Alabama.

The projects are part of \$8.1 billion in natural resource damage payments from BP Oil Company due to the 2010 Deepwater Horizon oil spill. In addition BP has agreed to pay \$5.5 billion in restoration money to a federal RESTORE Act and \$600 million for other claims for federal and state natural resource damage. The \$8.1 billion, \$5.5 billion and \$600 million allocations are part of a total of \$20.8 billion in civil penalties BP will pay because of the spill.

On October 5 the Obama administration, five Gulf States and BP announced the settlement of the \$20.8 billion in civil claims against BP to address the April 20, 2010, oil spill.

Also on October 5 the Deepwater Horizon Natural Resource Damage Assessment Trustees announced a proposal to spend the \$8.1 billion in natural resource damage payments. The proposal is available at:  
<http://www.gulfspillrestoration.noaa.gov/restoration-planning/gulf-plan/>.

This is in addition to \$1 billion in emergency restoration money BP has already paid out. A sizeable portion of that emergency money has gone directly to park and recreation projects in three phases. According to the National Oceanic and Atmospheric Administration those three phases have allocated to recreation \$237,628,642. In addition protection of barrier islands and dunes by definition boosts tourism.

The trustees who proposed the \$8.1 billion settlement include representatives of the five Gulf States, the Secretary of Interior and representatives of three other federal agencies.

"This agreement brings renewed hope for a fully restored Gulf of Mexico to millions of Americans who value the Gulf for its contributions to our economy, our environment and plentiful recreational opportunities," said Secretary of the Interior Sally Jewell.

The draft proposal estimates that the Gulf States lost almost \$700 million in recreational use because of the spill. "Impacts from the *Deepwater Horizon* oil spill, including oiled shorelines and closing of areas to recreation, resulted in losses to the public's use of natural resources for outdoor recreation, such as boating, fishing, and beach going," says the proposal.

"The Trustees estimated nearly 16 million boating, fishing, and other shoreline user days were lost throughout the five affected states, with the losses occurring across multiple years. Total

recreational use damages due to the spill are estimated to be \$693.2 million with uncertainty ranging from \$527.6 million to \$858.9 million."

The many dozens of proposed projects from the \$8.1 billion settlement involve federal and state parks, federal and state recreation areas, federal and state wildlife refuges, and other public lands. They include:

*Gulf State Park Enhancement Project to provide and enhance recreational opportunities, \$85,505,305:* This initiative proposes a sweeping restructure of the state park, beginning with a rebuild of a conference center and the construction of an interpretive center and construction of a research and education center.

*Galveston Island State Park beach redevelopment, \$10,745,060:* This initiative would construct in the 2,000-acre park in the middle of Galveston Island campsites, a boardwalk, equestrian facilities, restrooms and showers.

*Open Ocean recreational opportunities, \$22,397,916:* This initiative includes a bike and pedestrian enhancement program in Gulf Islands National Seashore for just under \$7 million; a Bon Secour refuge enhancement program for \$545,000; a Gulf Islands enhancement program for \$10,836,055; and a Gulf Islands ferry project for \$4 million.

## **Approps bill reaches Senate floor, promptly expires**

In a probably futile attempt to circumvent the gridlock over fiscal year 2016 appropriations bills, Senate Republican leaders are trying to bring Senate Appropriations Committee-passed bills to the floor. And perhaps in batches of several bills.

But as Senate Democrats have promised all along, they will block Senate consideration of any appropriations bills until domestic spending caps are increased. So they

are filibustering any single bills or mini-omnibus bills that come along.

Most recently, Senate Democrats October 8 defeated a motion to close a filibuster on a bill (HR 2028) to appropriate money for the Corps of Engineers, the Department of Energy and related agencies.

Senate Majority Leader Mitch McConnell (R-Ky.) blamed the Democrats for the gridlock. "Passing these bills used to be routine, and the new majority has worked hard to ensure that it does again after six years of inaction," he said. "That is why we passed the budget. That is why we passed the 12 appropriations bills through committee in a bipartisan way. But now Democrats have decided as part of some arbitrary political strategy to indiscriminately filibuster every last funding bill."

But Senate Minority Leader Richard Durbin (D-Ill.) blamed the Republicans for the gridlock because he said they won't agree to higher discretionary spending ceilings.

"I might add, coincidentally, that the Republicans failed - failed - to put additional funds in for nondefense spending," he said. "Some of it is related to national security - the Department of Homeland Security, the Federal Bureau of Investigation, and so many agencies that keep us safe here in the United States. The failure of the Republicans to provide funds for critical agencies that provide health and education services is the reason we have reached an impasse in the budget negotiations."

So the appropriations situation remains at status quo ante.

In a new strategy Senate Republicans have batched several individual appropriations bills into groups of three or more. For instance, the Interior and Related Agencies bill (HR 2822 as a stand-alone) has been put together with a Financial Services bill and a Labor/Health and Human Services bill to form a new bill, S 2132.

Although Congress approved a

temporary spending continuing resolution (CR) September 30 to appropriate money for all federal agencies through December 11, all the political problems attendant to appropriations bills remain.

That is, a divided Republican Party threatens to close down the government on December 11, unless appropriators use money bills to block objectionable policies. Conservation is caught in the middle,

Of note the CR (PL 114-53) would not reauthorize the Land and Water Conservation Fund (LWCF), although it does assume fiscal year 2016 spending for the program at fiscal 2015 levels. (See *related article page one.*)

The CR finances federal programs for fiscal year 2016 at fiscal 2015 levels. Among other things it will pay back the Forest Service \$700 million the agency borrowed from line operations to fight fires in fiscal 2015.

And the CR extends the Federal Lands Recreation Enhancements Act of 2004 (FLREA) through Sept. 30, 2017. FLREA is scheduled to expire on Sept. 30, 2016.

So another government closure looms in December when the CR expires. Critics say a closure would threaten massive losses to public land management agencies and surrounding communities.

Even though the CR keeps the government in business through December 11 it leaves all the other big appropriations questions - big and small - unanswered.

The biggest unanswered question is, will the GOP give in to administration and Democratic demands for higher domestic spending caps, pegged dollar-for-dollar to increases Republicans have proposed for Defense spending?

McConnell and Speaker of the House John Boehner (R-Ohio) have reportedly been considering talks with the administration shortly over a possible new set of two-year spending caps.

The other questions are posed by the dozens of policy amendments included in various individual spending bills approved this year by the House Appropriations Committee and the Senate Appropriations Committee. That includes a lead park and rec bill approved by the House committee June 16 (HR 2822) and the Senate committee June 18 (S 1645).

Those riders would authorize the flying of the Confederate flag over cemeteries that are part of the National Park System; block the designation of national monuments; bar national parks from banning bottled water; encourage the sale of federal lands; extend FLREA for one year, if the CR didn't do it first; forbid EPA from completing a proposed rule that would reduce carbon emissions from existing power plants; forbid EPA from implementing a May 27 rule that would expand the definition of a wetland subject to a Section 404 permit under the Clean Water Act; forbid any agency from attempting to transfer water rights to the federal government on renewal of a permit; and block implementation of a National Ocean Policy proposed by the Obama administration.

Conservation is caught in the middle of the Congressional budget battle.

At risk are not only appropriations for fiscal year 2016, but also authorization for LWCF, which technically expired September 30, and money for the Park Service Centennial, for which the Obama administration has asked hundreds of millions of dollars in new appropriations.

**Approps situation:** The House Appropriations Committee approved its version of an Interior and Related Agencies appropriations bill (HR 2822) June 16 and the Senate Appropriations Committee approved its version of a bill (S 1645) June 18. The House bill reached the floor in July but Boehner shut down consideration July 9 because of controversies surrounding amendments dealing with the Confederate flag.

The House Appropriations Committee

in May assigned a spending cap to the Interior and Related Agencies subcommittee bill that is \$246 million less than a fiscal 2015 ceiling of \$30.416 billion. The committee set a cap of \$30.170 billion for fiscal 2016. Still, that is marginally above the spending cap of \$30.010 billion set by the Senate Appropriations Committee May 21. In threatening a veto of the House bill in July the Office of Management and Budget complained about a total funding level that is \$2.2 billion below the administration request.

The House appropriations bill would sharply reduce funding for LWCF, allocate token money for the Park Service Centennial and, at best, maintain existing spending levels before inflation for most land management agencies.

For Park Service operations the House bill includes a \$52 million increase, primarily for the agency's Centennial. The House would appropriate \$2.328 billion for operations, compared to a fiscal 2015 appropriation of \$2.276 billion.

The Senate Appropriations Committee's counterpart bill (S 1645) would spend \$5 million more for NPS operations than the House, \$2.323 billion. The Senate committee said it approved \$110 million in total for the Park Service Centennial; however, the two panels did not provide analogous breakdowns to allow direct comparisons.

The most prominent controversy facing the House bill is a proposed amendment that would authorize the flying of the Confederate flag over cemeteries that are part of the National Park System.

But the measure is ensnared in other, major policy disputes as well. Among them are amendments to block the designation of national monuments, to bar national parks from banning bottled water and to encourage the sale of federal lands.

**Other appropriations bills:** An Energy and Water Appropriations bill (HR 2208) was approved by the House May 1

and the Senate Appropriations Committee May 21, but has moved no further. Senate Democrats October 8 prevented floor consideration. A Transportation appropriations bill (HR 2577) also has been approved by the House and was approved by the Senate subcommittee on Transportation appropriations June 23, but moved no further.

## Notes

### **Valles Caldera added to NPS.**

Following the dictates of an omnibus public lands law enacted in December, federal officials joined New Mexico leaders October 10 to formally designate the Valles Caldera National Preserve as a unit of the National Park System. Congress directed the transfer of the 89,000-acre federal area in the omnibus bill (PL 113-291 of Dec. 19, 2014), ending a decade of controversy over the management of the land by an unusual trust. The nine-member trust was an experiment in cooperative management of the Caldera surrounded by the Santa Fe National Forest. Environmentalists had complained that the trust was not up to the complex job of managing the volcanic caldera and couldn't raise enough money to manage the site adequately. In 2011 the National Parks Conservation Association (NPCA) published a report that concluded that the Valles Caldera would be better off as a unit of the National Park System. The trust generated more than \$700,000 in fiscal year 2011, but the Forest Service appropriation for the trust was \$3.5 million. NPCA said NPS management would produce \$110 million in revenues in the first 15 years.

### **Grijalva to act on Grand Canyon.**

Rep. Raúl M. Grijalva (D-Ariz.) has announced he will introduce legislation Monday (October 19) to designate 1.7 million acres of public lands adjacent to Grand Canyon National Park as a national monument. The Grand Canyon National Heritage Monument would include the one million acres the Obama administration withdrew from mining in January 2012. The withdrawal was good for 20 years; Grijalva would make it permanent. If Congress does not act on a Grijalva bill, advocates say

the 1.7 million-acre area would be a good candidate for designation as a national monument by President Obama. Those advocates say the designation of Grand Canyon as a monument in 1908 and the expansion of it in 1975 failed to offer total protection to the canyon from uranium mining. Grijalva's office says the bill also: "protects tribal sacred cultural sites; promotes a more collaborative regional approach between tribal nations and federal land managers; protects commercial and recreational hunting; preserves grazing and water rights; and conserves the Grand Canyon watershed." Former Secretary of Interior Ken Salazar withdrew the million acres of Bureau of Land Management and Forest Service land in January 2012. The mining industry has filed at least two major lawsuits against the withdrawal.

### **Waco Mammoth monument celebrated.**

Former First Lady Laura Bush joined Secretary of Interior Sally Jewell October 5 at a ceremony acclaiming the designation of a Waco Mammoth National Monument in Waco, Texas. Fossils of mammoths found at the site date back more than 65,000 years and offer opportunities to study ancient times. President Obama designated the five-acre monument a unit of the National Park System on July 10. The City of Waco and Baylor University, supported by nonprofit Waco Mammoth Foundation, Inc., have managed the site since 2009. The city donated five acres to the United States, allowing the President to use the Antiquities Act to designate the monument. Mrs. Bush seized the moment to promote the Obama administration's Find Your Park campaign to urge visitation to national park units. "America will celebrate the 100th anniversary of the National Park Service on August 25, 2016. Michelle Obama and I serve as the Honorary Co-Chairs of the Centennial Campaign, and our centennial campaign theme is Find Your Park," said Bush. "Today, as we designate the newest national park unit, it seems like the perfect moment to invite you to join me and Find Your Park. Everyone in Waco can find your own park right here at home at the Waco Mammoth National Monument."

**BLM maps encourage bikers.** The

Bureau of Land Management (BLM) earlier this month unveiled a new online feature that includes detailed maps of 20 of the most popular public lands trails. BLM developed the website and maps in cooperation with the International Mountain Biking Association (IMBA). "The BLM is proud to manage some of the world's best mountain bike trails," said BLM Director Neil Kornze. "This new, mobile-friendly tool will help the public get a glimpse of these amazing places and plan their rides." Said Leslie Kehmeier, mapping manager at IMBA, "BLM's willingness to connect with our product and share it with their communities shows the quality of our work and provides a model of what our organizations can accomplish together." BLM's trails hosted more than 1 million mountain biking visitors last year. The maps are available at [www.blm.gov/mountainbike](http://www.blm.gov/mountainbike).

#### **ARC honors Govs. Mead and Nixon.**

The American Recreation Coalition (ARC) and the Coleman Company will present their highest honor - the Sheldon Coleman Great Outdoors Award - to Wyoming Gov. Matt Mead (R-Wyo.) and Missouri Gov. Jay Nixon (D-Mo.) ARC, which represents the recreation industry and recreation users, said October 6 it is honoring Mead both for his support of the Great Outdoors Month (he hosted a first bilingual Capital Campout) as well as for a public service announcement urging visitation to Wyoming's outdoors. ARC said it is honoring Nixon for hosting one of the most successful Outdoors Days last June as well as for making states parks, trails and waterways a top priority. The awards will be presented to the governors in their offices and they will be honored in Washington, D.C., next February.

#### **Yellowstone visitation up a lot.**

Yellowstone National Park said it has hosted 16 percent more visitors through September in 2015 than in 2014. Total visitation is more than 3.8 million, compared to 3.3 million in 2014 at this time. The park said many factors may be involved in the increase, including the service's Find Your Park campaign, lower gas prices and promotions by the States of Montana and Wyoming.

**Denise Ryan new NPS deputy.** A veteran of the National Trust for Historic Preservation, Denise E. Ryan, will serve as the new deputy director of the Park Service for Congressional and External Relations. She will coordinate legislative and Congressional affairs for the agency beginning Monday, October 18. At the National Trust, Ryan directed advocacy and education efforts, including the Manhattan Project National Historical Park recently approved by Congress.

#### **NPS publishes Potomac River plan.**

The Park Service Chesapeake Bay Office has completed a plan for managing the 140-mile Potomac River where three national trails overlap. The plan is designed to help visitors, residents and managers. Three Congressionally-designated national trails border the Potomac - Captain John Smith Chesapeake National Historic Trail, the Star-Spangled Banner National Historic Trail and the Potomac Heritage National Scenic Trail. The plan is available at: <http://www.nps.gov/cajo/getinvolved/potomac-river-segment-plan.htm>.

## **Boxscore of legislation**

#### **Fiscal year 2016 temporary spending**

HR 719. President Obama signed into law (PL 114-53) September 30. Keeps the government in money through December 11, extends FLREA, repays FS emergency fire-fighting costs.

#### **Fiscal year 2016 appropriations**

HR 2822 (Calvert), S 1645 (Murkowski). House was considering July 9. Senate committee approved June 18. Both would retain spending levels. Senate committee would take PILT and some fire costs out of bill. House committee would not. Lots of riders in both bills.

#### **Appropriations Fiscal 2016 Energy and Water**

HR 2208 (Simpson). House approved May 1. Senate committee reported May 21. Would provide mild increase for Corps, mild decrease for Bureau of Reclamation. House would block EPA/Corps wetlands rule.

#### **Appropriations Fiscal 2016**

**Transportation**

HR 2577 (Diaz-Balart). House approved June 9. Senate subcommittee approved June 23. Would roughly maintain surface transportation spending at fiscal 2015 levels.

**Fiscal year 2016 budget**

H Con Res 27 (Price), S Con Res 11 (Enzi). House approved April 30. Senate approved May 5. Would freeze spending. Senate recommends line committee action on NPS Centennial, LWCF, fire, PILT.

**Land and Water Conservation Fund**

S 338 (Burr), S 890 (Cantwell), HR 1814 (Grijalva), S 2012 (Murkowski), S 1925 (Heinrich), S 2165 (Cantwell). Senate hearing April 22. Grijalva introduced April 15. Senate committee approved Murkowski bill July 30. Heinrich introduced August 4. All would extend program at \$900 million per year in perpetuity. S 890, HR 1814 and S 1925 would guarantee the money each year.

**Urban park fund**

HR 201 (Sires). Sires introduced January 7. Would authorize HUD grants and HUD loans to provide assistance to urban parks.

**Federal land recreation fees**

HR 1991 (Bishop), HR 2822 (Calvert), S 1645 (Murkowski). House committee approved April 29. Senate hearing September 17. Bishop would extend existing law year through Sept. 30, 2017. Calvert and Murkowski included extension in fiscal 2016 appropriations bills (above.)

**Emergency fire spending**

HR 167 (Simpson), S 235 (Wyden), S 508 (McCain), S 1645 (Murkowski), HR 2647 (Westerman). Simpson introduced January 6. Wyden introduced January 22. McCain introduced February 12. Senate committee approved S 1645 June 18. House approved HR 2647 July 9. All would shift emergency fire fighting costs out of line appropriations and into disaster spending. McCain would also increase timber harvests.

**Monument restrictions**

HR 330 (Young), HR 488 (Amodei), S 437 (Murkowski), HR 900 (Labrador),

S 228 (Crapo). Young introduced January 13. Amodei introduced January 22. Murkowski introduced February 10. Labrador introduced February 11. Crapo introduced January 21. All would require Congressional or state approval of national monuments.

**Wetlands regulations**

HR 594 (Gosar), HR 2028 (Simpson), S 1140 (Barrasso). House approved HR 2028 May 1. Barrasso introduced April 30. Would forbid completion by EPA of regulations expanding kinds of water bodies requiring wetlands protection permit. 141 cosponsors. Also included in House and Senate spending bills.

**Surface transportation**

S 1647 (Inhofe), HR 680 (Blumenauer), HR 2410 (DeFazio), HR 2595 (Norton), HR 2609 (Sam Johnson), HR 22 (Davis). Senate committee approved S 1647 June 24. Blumenauer introduced February 3. Norton introduced June 1. Johnson introduced June 2. Senate approved HR 22 (substitute for S 1647) July 30. Inhofe would revise law for next six years. Blumenauer would increase the gasoline tax to help pay for surface transportation programs. DeFazio would implement Obama administration recommendations. Norton would increase payments for NPS roads. Johnson would eliminate Transportation Alternatives Program.

**Fed lands open in government closure**

S 146 (Flake). Flake introduced January 12. Would allow states to operate national parks, national refuges and national forests in the event of a government shutdown.

**Sportsmen packages**

HR 2406 (Wittman), HR 3173 (Walz), S 405 (Murkowski). Wittman introduced May 19. Walz introduced July 23. Murkowski introduced February 5. All bills would authorize several provisions to encourage hunting and fishing.

**Public lands open to hunting**

S 406, S 556 (both Murkowski), HR 528 (Benishek). Benishek introduced January 26. Senate hearing March 12. Would declare public lands open to hunting and fishing unless specifically closed.