

# Federal Parks & Recreation

Editor: James B. Coffin

Subscription Services: Gerrie Castaldo

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## **LWCF reauthorization not in approps CR; does it matter?**

Much to the consternation of a number of Congressmen, the short-term spending measure Congress approved this week would not reauthorize the Land and Water Conservation Fund (LWCF).

However, it does assume fiscal year 2016 spending for the program at fiscal 2015 levels.

Program supporter Sen. Michael Bennet (D-Colo.) criticized Senate Republicans for not including a program extension in the continuing resolution President Obama signed October 1.

"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."

On September 30 Sen. Martin Heinrich (D-N.M.) unsuccessfully attempted to bring to the Senate floor a new bill (S 2101) to reauthorize LWCF under a unanimous consent procedure. When Sen. Mike Lee (R-Utah) objected, Heinrich's request was denied.

Lee said changes are needed to the programs before renewing the law. "Some of my colleagues are pushing a piece of legislation that would reauthorize the Land and Water Conservation Fund - a program that is primarily used for land acquisition, and they want to do this without making a single reform to that same program," he said.

Heinrich responded, "So many of these issues that have been raised, particularly reform, are a red herring

for what is truly an ideological opposition to the Land and Water Conservation Fund – a program that has put soccer fields and baseball diamonds in just about every little town across the United States.”

House Natural Resources Committee Chairman Rob Bishop (R-Utah) said there was no need to expedite the renewal of LWCF, charging the campaign to extend the program was politicized by “special interests,” i.e. environmentalists.

“Special interests that seek to hijack LWCF to continue to expand the federal estate and divert even more monies away from localities conveniently claim the world is ending on September 30<sup>th</sup>,” he said. “The only thing that expires on September 30<sup>th</sup> is the ability to accrue additional revenues into the fund, which currently has an unappropriated balance of \$20 billion in taxpayer dollars. How many billions more do these special interests group need?”

But the sponsor of a House bill to reauthorize the program, Rep. Raúl Grijalva (D-Ariz.), fears the Republican majority will ignore LWCF if the program is not officially renewed.

Said a spokesman for Grijalva, ranking Democrat on Bishop’s committee, “The problem with the Republican line on this (‘The Fund is rich, so who cares about this deadline’) is that Congress will now feel less pressure than ever to appropriate a dime to LWCF without new revenues coming in.”

The Grijalva aide added that without reauthorization offshore oil and gas royalties that finance LWCF will be diverted to other uses. “With the program expiring, the Outer Continental Shelf royalty will just go into the general treasury fund and Congress will – we fear – start to ignore LWCF as a priority worse than ever,” said the aide.

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.

Earlier this year on LWCF’s behalf in the Senate, 13 Republicans voted for an extension of LWCF January 29 when Sen. Richard Burr (R-N.C.) offered such an amendment to a Keystone Pipeline System bill. The amendment was defeated by a 59-to-49 vote, with 60 votes needed to pass.

Burr is the lead sponsor of the new reauthorization bill introduced in the Senate on September 29.

Sportsmen descended on the Senate September 30 to request reauthorization. They met with supporting senators, including Sen. Cory Gardner (R-Colo.)

Gardner said, “The LWCF is one of the most critical tools we have for protecting our nation’s natural treasures. Its permanent reauthorization is supported by sportsmen, hunters and many other Coloradans who appreciate the outdoors. It’s a responsible fiscal partnership and provides countless benefits.”

He added, “I’ve supported making the LWCF’s authorization permanent throughout my time in the Senate, and I will continue to work towards making that goal a reality.”

Secretary of Interior Sally Jewell criticized Congress for not acting. “I am extremely disappointed that, despite overwhelming bipartisan support, Congress has allowed this innovative and effective program to expire,” she said.

“I join mayors, governors, and Americans across the country in urging Congress to reauthorize and fully fund the Land and Water Conservation Fund in order to honor our nation’s outdoor heritage and provide resources to local communities who want to invest in

conservation, historic preservation and recreation opportunities," she added.

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.

Throughout LWCF's history state and local officials have partnered in support of the program with national conservation groups that are primarily concerned with federal land acquisitions. However, under the surface there has always existed tension between the two sides as federal acquisitions have received the lion's share of appropriations. *(See related article on local benefits of LWCF through the years on page 8.)*

The Senate Appropriations Committee followed that pattern June 18 in the course of approving its version of a fiscal year 2016 appropriations bill (S 1645). It would appropriate \$157.5 million for the 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 is \$48 million.

Murkowski's extension bill, S 2012, addresses the federal-state split. It would specify minimum annual allocations within LWCF, such as at least 40 percent per year for federal land acquisition and at least 1.5 percent per year (or more than \$10 million) for access to federal land for recreational purposes.

Finally, the bill would require expenditure of at least 40 percent of annual LWCF appropriations for a combination of state LWCF grants, Forest Legacy grants, endangered species grants and an American Battlefield Protection Program.

The National Recreation and Park Association, which represents state and local park bodies, recommends that

the 40 percent only be used for state grants, and not for the other listed purposes.

## **Approps crisis avoided for now, may restart in December**

Although Congress approved a temporary spending continuing resolution 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,

The continuing resolution followed a now familiar circuitous route. Senate Majority Leader Mitch McConnell (R-Ky.) first had the Senate vote September 24 on a preliminary continuing resolution (CR), HJ Res 61 that contained a poison pill in the form of a ban on federal spending for the Planned Parenthood organization. That failed by a vote of 47-to-52 because of a filibuster, as the McConnell team expected, with 60 votes needed to proceed.

McConnell then pushed through the Senate September 30 a clean continuing resolution as part of a bill (HR 719) dealing with the Transportation Security Administration. The vote was 78-to-20 and Planned Parenthood was not banned.

The House, because of Speaker John Boehner's (R-Ohio) decision to step down, then approved HR 719 September 30 by a vote of 277-to-151, clearing it for the President to sign. Because Boehner was willing to accept some Democratic votes, he was able to overcome a rebellion from the conservative wing of the Republican Party.

Of note the CR 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 previous article.)*

The CR finances federal programs for fiscal year 2016 at fiscal 2015 levels. Among other things they would pay back the Forest Service \$700 million the agency borrowed from line operations to fight fires in fiscal 2015. (See *related article page 10.*)

And they would extend the Federal Lands Recreation Enhancements Act of 2004 (FLREA) through Sept. 30, 2017. FLREA is scheduled to expire on Sept. 30, 2016. (See *related article page 9.*)

Prior to Boehner announcing his retirement, the Hill establishment assumed the House would present a huge obstacle to the CR, with conservatives opposing Planned Parenthood money. But Boehner is now free to use Democratic votes to provide the majority needed to move the CR in the House.

Democrats have hard demands of their own, calling on Republicans to blow up an existing agreement on spending caps, called sequestration, to loosen the purse strings. President Obama himself has said if Congress doesn't redo the caps, he will veto any appropriations bill(s). So Democrats are in their own way threatening to shut down the government.

So another government closure looms in December when the CR would expire. Critics say a closure would threaten massive losses to public land management agencies and surrounding communities. The National Parks Conservation Association (NPCA) says a government closure would (1) shut 770,000 visitors per day out of the parks and (2) lose \$42 million in visitor spending per day. NPCA said an October 2013 government closures turned away 8 million visitors and cost communities a half-billion dollars.

Said NPCA President Clark Bunting, "Today the shutdown would once again be a sad chapter in the struggle to adequately fund our nation's needs, including America's national parks."

The Association of Partners for Public Lands (APPL), which represents nonprofits that operate on the public lands, worried about the impact of a

closure on its members and communities.

"A federal shutdown for just one week translates to a loss of over \$5 million in revenue for APPL member organizations and would result in temporarily closing more than 850 retail stores, field institutes and visitor centers which reinvest every dollar to support local parks, refuges, forests, reservoirs and other public lands," said association executive director Dan Puskar.

Separately, NPCA, AAPL and 90 other travel and tourism related groups wrote to both President Obama and Congressional leaders September 25 and asked them to avert another government shutdown.

The organizations said the previous government closure in October 2013 was costly. "According to U.S. Travel Association, the shutdown directly reduced travel spending by \$680 million, or nearly \$43 million per day," the groups said in each letter.

In the letter to Congressional leaders the organizations concluded, "We call on you to work with the President to resolve issues on budgets and other national issues without imposing unjustified, unnecessary pain on the rest of the nation, including for our parks and other public lands. We also call on you to reinvest in our national treasures for the centennial year and beyond."

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 Boehner have reportedly been considering opening negotiations with the administration in the next month 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 Centennial. The House would appropriate \$2.328 billion for operations, compared to \$2.276 billion in fiscal 2015.

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.

**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. 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.

## **House Dems introduce Obama's NPS Centennial legislation**

Six House Democrats September 18 introduced in bill form (HR 3556) some of the Obama administration's

legislative recommendations for the Park Service Centennial in 2016.

The bill would have Congressional authorizing committees provide an additional \$500 million per year in new legislative authority, broken down into \$100 million for a new Centennial Challenge Fund, \$300 million for deferred maintenance in a new Second Century Infrastructure Investment and \$100 million for a new competitive Public Lands Centennial Fund.

Money in the last category would be available for other Interior Department land management agencies, as well as the Forest Service.

In addition to the new authorizations, the administration requested an extra \$326 million in *appropriations* for fiscal year 2016.

Said lead sponsor Rep. Raúl Grijalva (D-Ariz.), "Letting its hundredth anniversary pass by without any congressional recognition would be a shame and wouldn't pass public muster. This bill will give our great public lands system the salute it deserves and make sure the National Park Service has what it needs to continue preserving the most beautiful parts of the United States into the future."

At least one source close to both House Democrats and Republicans said Grijalva might have been wiser to hold off on introduction of his bill. "The actions of Grijalva in introducing his bill is very understandable," said the source. "But it would be more helpful to discuss (with Republicans) common ground about what can be done . . . Everyone recognizes the President's bill can't pass."

A counterpart Senate Centennial bill has not been introduced yet. However, ranking Senate Energy Committee Democrat Maria Cantwell (D-Wash.) said September 17 she and her colleagues were working on such legislation.

Without being specific about provisions of the legislation, she said at a hearing on federal agency recreation fees, "It is also worth

nothing that next year will make the 100th anniversary of the National Park System and the Park Service collects more than \$100 million in fees. Several of us have been working to develop a National Park Centennial bill. We certainly want to work with the chairman on that. This bill will provide the Park Service in the Second Century with additional tool to manage our national parks."

The chairman is Senate Energy Committee Chairman Lisa Murkowski (R-Alaska). As we noted in the last issue of *FPR*, an aide to Murkowski said her boss is "not directly involved" with that effort.

About half the Park Service's requests for hundreds of millions of dollars from Congress for its Centennial in 2016 would come from appropriations under existing authorities and half would come from the new legislation.

On the *appropriations* side the administration asked Congress to ante up an extra \$326.3 million over fiscal 2015 under existing authorities, as it recommended in a fiscal year 2016 budget request in February. That includes \$242.8 million more for deferred maintenance and \$40 million more for Centennial Challenge grants.

However, the House Appropriations Committee June 16 approved much less than that in a fiscal 2016 spending bill (HR 2822). The committee included only a \$52 million increase for Park Service operations, or \$2.328 billion total.

And it included just \$20 million for a Centennial Challenge grant program compared to a \$50 million total request from the administration. (The fiscal 2015 appropriation for Challenge grants was \$10 million.)

The Senate Appropriations Committee approved a counterpart spending bill (S 1645) June 18 that 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 Senate committee did say it recommended \$10 million for Challenge grants, or \$40 million less than the administration request.

The House and Senate are moving by fits and starts on the authorizing requests. In the House key subcommittee chairmen are reportedly working on legislation that would address the Centennial, federal lands recreation fees and Park Service concessions reform.

Reps. Tom McClintock (R-Calif.), chairman of the House Federal Lands subcommittee, and Cynthia Lummis (R-Wyo.), chairman of the House subcommittee on Interior of the House Oversight Committee, held separate hearings on those issues July 23.

On the downside McClintock took the occasion of his hearing to excoriate the Park Service for discouraging the public from visiting the parks. The Californian based his attacks on NPS on what he described as an illusionary increase in visitation caused by new memorials in Washington, D.C.

In the Senate the Senate Energy Committee approved legislation (S 2012) July 30 that would establish a \$150 million per year Park Service maintenance account from offshore oil and gas royalties. The bill, an omnibus energy measure, was developed by chairman Lisa Murkowski (R-Alaska) and ranking Democrat Maria Cantwell (D-Wash.)

Separately, Cantwell and Sen. Rob Portman (R-Ohio) have been writing legislation to authorize a multi-year Centennial Challenge program, as Cantwell noted. To lay the groundwork they persuaded the Senate this spring to recommend a matching grant program in a fiscal year 2016 Congressional budget.

## **Rec company, conservationists team up to back new monuments**

A national campaign by recreation-related businesses and conservationists

came to Washington, D.C., this week to seek designation of four national monuments by the President.

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.; Mojave Trails, Calif.; and Birthplace of Rivers, W.Va.

Making this campaign newsworthy is a partnership among conservation groups, local businesses and the Keen Footwear Company, the maker of outdoor footwear.

Steven Meineke, president of Keen, said, "As a brand deeply rooted in the outdoors, we believe it is our obligation to stand up for the protection of the places we play for their environmental and recreational value. It's in KEEN's DNA to lead action that can create lasting change so future generations can enjoy the outdoors."

"Through the Live Monumental campaign we are able to put those principles into motion, while giving people across the U.S. a vehicle to speak up for the preservation of our public lands. The outdoor industry generates billions in revenue each year, so it's not only good for the environment and our loyal fans, it benefits business too."

Jamie Williams, president of The Wilderness Society, said, "A team from Keen has been traveling the country all summer to raise awareness about the need to protect these places. They have done a great job of marshaling support and gathering signatures for a petition that they will deliver to President Obama. Keen's leadership in this effort provides an inspiring model for ways that the private sector can help to protect America's rich natural heritage for future generations."

Of course the human-powered outdoor recreation industry, as led by the Outdoor Industry Association, has long been a leader in promoting conservation and the protection of the backcountry.

This campaign is a little different in that it is asking President Obama to use his authority under the Antiquities Act of 1906 to designate four specific monuments, described below.

President Obama has already been active on the monuments front this year, to the dismay of western Republicans. Most recently he designated three major national monuments July 9 - 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.

Most of those lands, and the lands proposed for monument status by the new campaign, are managed by the Bureau of Land Management (BLM).

Republicans are critical of the use of the Antiquities Act to designate broad conservation areas.

Just before President Obama designated the Basin and Range monument, the Congressman who represents the area, Rep. Crescent Hardy (R-Nev.), opposed it and tried to block it on the House floor. He persuaded the House July 8 to approve an amendment to a fiscal year 2016 appropriations bill (HR 2822) that would forbid the designation. The vote was 222-to-206.

House Natural Resources Committee Chairman Rob Bishop (R-Utah) objected to all three of the July 9 monuments. "President Obama has shown complete disdain for Congress and the people of Nevada, California, and Texas," he said. "This surreptitious land grab reveals that the Obama Administration will stop at nothing to lock up more and more land, with the stroke of a pen. I condemn this shameful power move which makes states and citizens fearful that the federal government can invade at any time to seize more lands like bandits in the night."

On April 17, 2012, the House approved legislation that would require state approval of a national monument designation before the designation could become valid. The vote was 223-to-198.

However, the Senate didn't act on the legislation.

Numerous bills to limit the President's authority to designate national monuments under the Antiquities Act have been introduced in this Congress. Lead bills include S 437 from Senate Energy Committee Chairman Lisa Murkowski (R-Alaska) and HR 330 from Rep. Don Young. Both would require Congressional approval of any monument designation.

Here are the four monuments requested by Keen Footwear, local businesses and The Wilderness Society:

**Golden Butte, Nev.:** The site is about 80 miles northeast of Las Vegas between Grand Canyon-Parashant National Monument and Lake Mead National Recreation Area. The monument would encompass 350,000 acres. BLM land.

**Owyhee Canyonlands, Ore.:** The site is about 100 miles southeast of Burns, Ore. The monument would encompass 2.1 million acres and include 186 miles of wild and scenic river. BLM land.

**Mojave Trails, Calif.:** The site is about 80 miles east of Los Angeles and encompasses 942,000 acres. In August Sen. Dianne Feinstein (D-La.) asked President Obama to designate the area as a national monument, apparently giving up on Congress moving her bill (S 414) to designate the area a national monument. BLM land.

**Birthplace of Rivers, W.Va.:** The site is approximately 150 miles east of Charleston, W.Va. and would encompass 122,022 acres. The monument would be located in the Monongahela National Forest.

## **NRPA releases report on local and regional value of rec**

State and local governments that back the reauthorization of the Land and Water Conservation Fund (LWCF) last week said in a new report the program generates nearly \$140 billion in economic activity per year.

A summary of the findings says that local and regional park operations spending generated \$80 billion in economic activity in 2013 and local and regional parks capital spending generated another \$60 billion.

The report was prepared for the National Recreation and Park Association (NRPA) by the Center for Regional Analysis at George Mason University. NRPA released an executive summary of the report September 24.

Coincident with the report NRPA urged Congress to reauthorize LWCF, which technically expired September 30. (See related article page one.)

"These numbers should be a wake-up call to the elected officials in Congress that they must act now to protect the nation's local parks and recreation," said Barbara Tulipane president of NRPA.

"We've always known that local parks contribute to healthier communities, bring diverse populations together and support environmental conservation and stewardship. Now, we also know for a fact that local parks contribute significantly to the economy, further solidifying their essential value as important public assets that deserve support and recognition."

In addition to renewing LWCF, NRPA is asking Congress to modify the law to guarantee the state side of the program 40 percent per year of the \$900 million per year program, or \$360 million. State grants now usually receive in the neighborhood of \$40 million to \$50 million per year.

The Center for Regional Analysis based its report on U.S. Census Bureau data from 1,169 park systems. The analysis does not include visitor spending because most visitors to local and regional parks live nearby, the center said, and therefore wouldn't likely be in the market for hotels and new outdoor gear.

The summary says local and regional parks support nearly one million jobs per year, with 660,000 coming from operations spending and

340,000 from capital program spending.

Concludes the summary, "In total, the nation's local and regional public park systems had nearly \$54.7 billion spending in 2013, leading to \$139.6 billion in economic activity, just under \$68.0 billion in contributions to GDP, and nearly 1 million jobs that generated labor income of \$43.8 billion in 2013."

The summary, *The Economic Significance of Local and Regional Park Systems' Spending on the United States Economy*, is available at <http://www.nrpa.org/parkeconreport/>.

## **Murkowski suggests she will address rewrite of FLREA**

Now that the Senate Energy Committee has held a baseline hearing on renewal of a federal recreation fee law, what next?

In the Senate that is largely up to committee chairman Sen. Lisa Murkowski (R-Alaska), and she is apparently intent on pursuing the issue.

"While I wish we did not need to charge recreation fees, I am generally supportive of FLREA," Murkowski said at the September 17 hearing. "I want to see the act and its programs continue, without interruption, as we continue to work on longer-term reforms."

She called for two actions: One, a temporary one-year extension through Sept. 30, 2017 of FLREA - the Federal Lands Recreation Enhancements Act of 2004. That mission was accomplished September 30 when Congress included it in a temporary spending bill.

The second action "would hopefully be longer-term, and include practical reforms to improve FLREA," said Murkowski.

Murkowski had one major complaint about the program at her committee's September 17 hearing - administrative costs. "I don't understand how it needs to be so complicated and why it is so extraordinarily expensive," Murkowski said of the overhead cost of

administering the fees. "I think we're getting ripped off."

Murkowski said FLREA limits the amount of administrative spending for the program to 15 percent of collected costs, but several agencies have exceeded that in recent years.

However, at the hearing NPS Deputy Director Peggy O'Dell said the agencies in total had not exceeded the 15 percent bar. "In FY 2014, the cost of fee collection across all FLREA agencies was 13.2 percent of gross fee revenues," O'Dell said.

On the House side of the Hill last year, the House Natural Resources Committee approved a comprehensive rec fee bill, but the panel left several issues unresolved. In addition to a dispute over who has ultimate authority to set new fees - Congress or land management agencies - the committee did not address appropriate discounts for senior citizens age 62 or older.

In the House this year Reps. Tom McClintock (R-Calif.), chairman of the House Federal Lands subcommittee, and Cynthia Lummis (R-Wyo.), chairman of the House subcommittee on Interior of the House Oversight Committee, are expected to write comprehensive conservation legislation in the fall that may include a rewrite of FLREA.

The renewal of FLREA gains priority now because national park units across the country are increasing entrance fees sharply. From all agencies the program took in \$278.6 million in fiscal 2014, of which NPS collected \$187 million. The total take may soon increase to as much as \$400 million, serious money even in Congress.

Thus far this year Congress has only moved to give itself time to write a bill in the continuing resolution spending measure.

Congress usually offers extensions of rec fee laws one year in advance in order to give federal land management agencies time to prepare and announce fee schedules for approaching seasons.

The question of who should have the authority to decide fee schedules last year presented a major obstacle to the House Natural Resources Committee. Bishop's bill would have required Congressional approval of any individual area fee increases. But the administration said that would usurp agency authority to assess fees.

In addition, last year the House committee did not address appropriate discounts for senior citizens age 62 or older. For \$10 now seniors can buy a lifetime America The Beautiful Pass into all national parks and other land management agency sites. The standard America the Beautiful fee is \$80 per year.

Some outdoor policy players have suggested a \$40 lifetime pass for seniors, others have suggested an increase in the age to begin the pass, and others have suggested just giving seniors a simple percentage discount each year.

## **Western wildfire situation has struck a new bottom**

The fiscal year 2015 fire-fighting season has gone from bad to worse, with lives lost and homes destroyed across the West.

Underscoring the scope of the disaster the Forest Service has had to borrow a huge \$700 million from other programs to pay for fire suppressions. The service had to make the transfers because it had expended most of a fiscal year 2015 wildfire suppression appropriation of \$1.01 billion.

During just one week in August the Forest Service spent \$243 million on suppression.

Congress may help. It approved September 30 a temporary spending resolution for fiscal year 2016 that would pay back the Forest Service the \$700 million the agency borrowed from line operations to fight fires in fiscal year 2015.

Senate appropriators said of the \$700 million, "Such funding may be

used for transfer to other landscape management program accounts to repay amounts previously transferred for wildfire suppression."

The administration is asking Congress for more. Given the \$700 million in borrowing, on September 15 the Office of Management and Budget (OMB), the Department of Agriculture and the Interior Department with one voice demanded that Congress move legislation to transfer above-budget fire-fighting costs to disaster spending.

OMB Director Shaun Donovan and the secretaries of Agriculture and Interior wrote key Congressional leaders, "With the dramatic growth in wildland fire over the last three decades and an expected doubling again by mid-century, it only makes sense that Congress begin treating catastrophic wildfire as the natural disaster that it is."

Even though Congress this week approved some fiscal 2015 pay-back money for the Forest Service, much of the damage has been done, as line programs over the last two months have been forced to freeze operations in order to transfer their appropriations to fire fighting.

Forest Service Chief Tom Tidwell in a memo to agency leaders August 25 ordered an immediate transfer of \$250 million, including \$12 million from land acquisition. And he said a second set of transfers of \$200 million would be required later, including \$15 million from recreation fees.

Since then the service said it has had to borrow an additional \$250 million, bringing the total to \$700 million.

As we have often documented, the Obama administration along with House and Senate leaders from both parties are advocating a new appropriations procedure that would transfer above-average fire-fighting costs to disaster funding, and out of line appropriations.

To that end this summer Senate Budget Committee Chairman Mike Enzi (R-Wyo.) promised to consider a strategy

for doing just that. He has been consulting with his colleagues in the West for the last month.

To authorize the transfers Congress would almost certainly have to make room in its budget through a budget cap adjustment, which is where Enzi comes in. He chairs the Senate Budget Committee.

Congress is already working on legislation to authorize the transfers. The full House approved legislation (HR 2647) July 9 that would shift some emergency wildfire money to the disaster account.

However, the future of the House-passed bill (HR 2647) and a similar Senate bill (S 508) from Sens. John McCain (R-Ariz.) and Jeff Flake (R-Ariz.) is uncertain. Both bills would require the Forest Service to spend 100 percent of its suppression money before a disaster account would kick in - the administration and other lead bills would kick in disaster fending at 70 percent of suppression costs.

In addition the House-passed bill (and the McCain bill) would authorize hazardous fuels projects with reduced environmental reviews. The Obama administration opposes that.

A number of House Republicans took to the House floor a fortnight to argue that a transfer of fire spending to a disaster account by itself doesn't solve the problem. They would also reduce the fuel load on public lands through increased timber sales.

Rep. Glenn Thompson (R-Pa.) said, "We have to address, though, the root cause of this problem, which is not just warmer temperatures, but it is largely the fuel load, the fire load, from the lack of active management, insufficient active management, in our national forests."

He added, "It is also very important that the Forest Service have the ability to expediently treat national forest acres for forest health and wildfire prevention."

Earlier this month Rep. Earl Blumenauer (D-Ore.) laid some of the blame on state and local governments that encourage home construction in the wildland urban interface.

"One final point is that we should stop making the problem worse by allowing more and more people to move into the fire zone in the wildland-urban interface and give these people the illusion that somehow they are going to be provided with urban-level fire protection," he said. "Sixty percent of the new homes since 1990 have been built in the flame zone."

Separately, the Senate Appropriations Committee June 18 took two steps toward the prevention of fire borrowing during the passage of a fiscal year 2016 Interior appropriations bill (S 1645).

The committee approved legislative language that would establish a wildfire adjustment cap that would allow for the transfer of emergency fire-fighting expenses above a ten-year average to disaster funding, effectively removing those expenses from a regular appropriations bill.

But that provision would not kick in until fiscal 2017, so the committee approved \$1.054 billion for a stand-by account that would kick in when the Forest Service and the Interior Department exceeded annual fire suppression appropriations for fiscal 2015 and 2016. The bill includes an additional \$3.61 billion to fight forest fires in fiscal year 2016.

The House Appropriations Committee approved its fiscal 2016 appropriations bill (HR 2822) June 18 with no emergency transfer position for wildfires. That measure is currently on the House floor.

The administration proposal to transfer emergency wildfire costs above 70 percent to disaster spending has been introduced in the House (HR 167) by Rep. Mike Simpson (R-Wyo.) and in the Senate (S 235) by Sens. Ron Wyden (R-Wyo.) and Mike Crapo (R-Idaho).

FIRE SPENDING: For fiscal year

2016 for the Forest Service the House Appropriations Committee has approved \$2.373 billion for regular fire fighting and fire prevention expenses and \$315 million for an emergency FLAME account. The Senate Appropriations Committee has approved \$3.556 billion in total for both regular fire fighting and an emergency account. Of the \$3.556 billion, \$855 million would be allocated to the emergency account.

## **Sage-grouse species decision lauded by western sportsmen**

Western hunters are cheering a decision by the Obama administration not to list the greater sage-grouse as threatened or endangered under the Endangered Species Act (ESA).

Such a listing could have put 170 million acres in the West off limits to consumptive uses as protected habitat and reduced access to backcountry hunting.

At the same time, say sportsmen, land management plans developed by federal and state governments and private property owners will protect the imperiled sage-grouse and give it a chance to survive.

The Obama administration announced the decisions September 22 and published the official documents September 24.

Said Steve Riley, president of the North American Grouse Partnership, "For years, sportsmen, ranchers, developers, and biologists have anxiously awaited the day when the sage grouse listing decision would be made. Now, it is imperative that these collective conservation efforts are implemented and monitored for effectiveness in the long-term if we are to avoid winding up with sage grouse again at risk further down the road."

Land Tawney, executive director Backcountry Hunters and Anglers, said the administration decisions will benefit sportsmen other than grouse hunters. "What is good for the grouse is good for the grandeur – the large landscapes being conserved will help sustain

backcountry hunting opportunities and big game populations," he said. "That's positive for sportsmen and the local communities that depend on proceeds from outdoor recreation-based businesses."

However, some western recreationists believe the plans will prove even more restrictive than a listing would have been. Don Amador, western representative for the BlueRibbon Coalition, said, "While agency leadership is proclaiming a great victory and collaborative success story, the reality is we will all soon become mired in avoidable litigation. It is far from certain that the listing decision will survive judicial scrutiny, and even if it does the decision comes at a great and uncertain price in the form of the sweeping land use plan amendments that were crammed through without sufficient public input."

The line-up of federal and state officials at the sage-grouse ESA announcement at the Rocky Mountain Arsenal National Wildlife Refuge in Commerce City, Colo., indicated the importance they gave the administration decisions.

Two Republican governors (Nevada's Brian Sandoval and Wyoming's Matt Mead) and two Democratic governors (Colorado's John Hickenlooper and Montana Steve Bullock) joined Department of Interior and Department of Agriculture officials at the ceremony.

A listing under the ESA could have led to the immediate withdrawal of more than 170 million acres of federal and nonfederal land across the West from consumptive uses, particularly livestock grazing, oil and gas drilling, and hard rock mining.

The administration actions considered of three steps. First, the Fish and Wildlife Service said it would not list the sage-grouse under the Endangered Species Act. Second, the Bureau of Land Management (BLM) and the Forest Service signed records of decisions to implement sage-grouse management plans. And third, BLM began an initiative to withdraw 10 million acres from hard rock mining.

Secretary of Interior Sally Jewell described the importance of the plans. "This is truly a historic effort - one that represents extraordinary collaboration across the American West," she said. "It demonstrates that the Endangered Species Act is an effective and flexible tool and a critical catalyst for conservation - ensuring that future generations can enjoy the diversity of wildlife that we do today. The epic conservation effort will benefit westerners and hundreds of species that call this iconic landscape home, while giving states, businesses and communities the certainty they need to plan for sustainable economic development."

But some Republican governors, such as Idaho Gov. C.L. "Butch" Otter (R-Idaho), oppose the decision. Otter filed a lawsuit September 25 against the BLM and Forest Service plans in U.S. District Court for the District of Columbia.

On September 23 two Nevada counties and two hard rock mining companies filed a similar lawsuit in U.S. District Court in Nevada.

The Western Energy Alliance first praised Jewell's decision on listing of the sage-grouse, but said the BLM and Forest Service plans should have deferred to state plans. The alliance said the plans are "vulnerable" to a lawsuit.

From the other side environmental groups such as the WildEarth Guardians appeared to be laying the groundwork for a lawsuit against the BLM and Forest Service plans for not being protective enough.

Said Erik Molvar, wildlife biologist with WildEarth Guardians, "The government's proposed plans fall far short of ensuring this iconic, imperiled bird is protected from the serious threats posed by fossil fuel extraction, grazing and other types of development. The Interior Department appears to be declaring victory on behalf of the sage grouse before even unveiling its plans."

However, the National Wildlife

Federation was more accommodating. It called Jewell's nonlisting decision a "victory" and urged its members to support implementation of the BLM and Forest Service plans.

## Notes

### **24 urban national parks in guide.**

The National Park Foundation September 29 announced the publication of a guide to 24 national parks in 24 major United States cities. The *Urban Playgrounds* guide identifies national parks in cities from New York City to Miami to San Diego. It is the sixth special edition in the foundations Owner's Guide series. "The newest edition in our popular 'Owner's Guide' series reveals how many of America's national parks are located in metropolitan areas," said Will Shafroth, president and CEO of the National Park Foundation, the official charity of America's national parks. "'Urban Playgrounds' will inspire both frequent and first-time national park visitors to find and share their own unique experiences in these treasured, close-to-home places." The guide is available at: <http://www.nationalparks.org/urbanplaygrounds>.

### **Marine Monuments asked, opposed.**

House Republicans September 29 attacked proposals to designate marine monuments off the coasts of Massachusetts and Alaska. Environmental groups have submitted petitions to the Obama administration requesting designation of a Marine National Monument in the Atlantic and multiple Marine National Monuments in Alaska waters. Those petitions are currently under review by the National Marine Fisheries Service. Fishing interests want to head off the designations. Said House subcommittee on Water Chairman John Fleming (R-La.), "The only thing monumental in all of this is the staggering impact it could have on our seafood markets." He reflected the sentiments of Jon Williams, president of the Atlantic Red Crab Company. "There are no imminent threats to the Continental Shelf Canyons or the Atlantic seamounts from the Atlantic red crab industry or the other fisheries that operate in the proposed area," he said. "After spending millions of taxpayer dollars exploring and photographing

these canyons, there has yet to be one shred of evidence of any damage caused by red crab fishing gear – even the supporters of the proposal have called these areas 'pristine' after 40 years of red crab fishing." However, that the areas are pristine is just the point, because they should be kept that way, said Andrew A. Rosenberg, director of the Center for Science at the Union of Concerned Scientists. "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 and Public Employees for Environmental Responsibility has requested the Alaska monuments.

**Liberal duck season on tap.** The Fish and Wildlife Service (FWS) issued September 25 liberal migratory bird hunting rules for this fall. The rule follows up on earlier FWS estimates that duck populations this year are similar to last year. That is, FWS estimates a breeding population of 49.5 million ducks, compared to 49.1 million last year. Each year FWS proposes migratory bird hunting bag limits and season limits in association with four Flyway Councils. The states then prepare regulations within those frameworks. Finally, FWS approves the state regulations with a rule of its own. On the half-full glass side the duck population is 43 percent higher than the long-term average. That translates into hunting seasons and bag limits similar to last year. On the half-empty side, despite the large number of ducks FWS issued a note of caution, saying, "While this year's survey results were very favorable, when and where waterfowl will be encountered this fall depends on many factors. Food availability and the condition and distribution of water resources all influence local duck and goose abundance, distribution, behavior, and ultimately, hunter success."

### **FS planning committee to meet.**

The National Advisory Committee for Implementation of the National

Forest System Planning Rule will meet next October 5-8 in Tempe, Ariz. The advisory committee submitted recommendations to the Forest Service on Nov. 21, 2013, on implementing a planning rule of March 23, 2012. The rule governs the preparation of individual unit plans for the 155 national forests and 20 grasslands in the National Forest System. The panel's recommendations were less controversial than the rule itself. They simply flesh out the Forest Service's own strategy for implementation. The individual forest plans, required by the National Forest Management Act, govern virtually all uses in the national forests. The Forest Service is testing out the new rule 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.

#### **New Yorkers back LGBT park.**

Leading New York Democrats last week announced a campaign to designate the Stonewall Inn in Manhattan as a national park unit. The Stonewall Inn is widely believed to be the location of the starting point of a drive for equal rights for lesbians, gays, bisexuals and transgender (LGBT) people. At the site in 1969 gays fought back against a police raid. On September 20, Sen. Kirsten E. Gillibrand (D-N.Y.), Rep. Jerrold Nadler (D-N.Y.) and other Democrats recommended that President Obama designate a park unit using his powers under the Antiquities Act of 1906. The difficulty there is the Antiquities Act only allows a President to designate already-federal land as a monument. The Stonewall Inn and the adjacent Christopher Park are nonfederal. Said Nadler, "We urge President Obama to designate the first ever National Park Service site dedicated to the history of the LGBT community, so that this story may be preserved and retold for future generations." The National Parks Conservation Association backs the designation. Said Courtney Worrall, Northeast regional director for the association, "We must continue to

protect and preserve these places, urban and rural, natural and historic, that speak to and represent who we are as a nation. And by the best storytellers in the business - the National Park Service."

## **Conference calendar**

### OCTOBER

5-7. **Outdoor Industry Association Rendezvous** in Seattle, Wash. Contact: Outdoor Industry Association, 4909 Pearl East Circle, Suite 200, Boulder, CO 80301. (303) 444-3353. <http://www.outdoorindustry.org>.

7-10. **The National Land Conservation Conference** in Sacramento, Calif. Contact: Land Trust Alliance, 1331 H St., N.W., Suite 400, Washington, DC 20005-4711. (202) 638-4725. <http://www.lta.org>.

17-21. **The Wildlife Society Annual Conference** in Winnipeg, Manitoba. Contact: The Wildlife Society, 5410 Grosvenor Lane, Bethesda, MD 20814-2197. (301) 897-9770. <http://www.wildlife.org>.

26-28. **National Forest Recreation Association Annual Conference and Trade Show** in Reno, Nev. Contact the website [nfra.org](http://nfra.org) or the NFRA Office at: 559-564-2365.

### NOVEMBER

3-6. The **National Trust for Historic Preservation Annual Conference** in Washington, D.C. Contact: National Trust for Historic Preservation, 1785 Massachusetts Ave., N.W., Washington, DC 20036. (202) 588-6100. <http://www.preservation.org>.

4-7. **National League of Cities Annual Congress of Cities and Exposition** in Nashville, Tenn. Contact: National League of Cities, Conference and Seminar Management, 1301 Pennsylvania Avenue, N.W., Washington, DC 20004. (202) 626-3105. <http://www.nlc.org>.

### DECEMBER

8-10. **America Outdoors Marketing and Management Conference** in Salt Lake City, Utah. Contact: <http://www.americaoutdoors.org/>.