

Federal Parks & Recreation

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FS short of fire-fighting money; Yosemite burn hurts

For a whole host of reasons the Forest Service has run out of fire suppression money this year, even though the number of fires and acres burned are down.

Perhaps most important many fires this summer have blown up in the urban wildland interface and are thus much more expensive to fight than backcountry conflagrations.

"We're having fires in extremely dangerous places that are near people in the urban interface," said Chris Topik, director of the Restoring America's Forests program for the Nature Conservancy. "Those are very expensive fires to fight."

The Forest Service sort of agrees. Said a spokeswoman, "Above normal significant fire potential and activity in many areas of the country, and rising costs of fire suppression have resulted in suppression costs that have exceeded the 10-year average appropriation."

The spokeswoman said costs have also increased because the service is attacking fires more aggressively (and more expensively) because of drought conditions.

Finally, she said, there just isn't as much money available, thanks in part to a fiscal year 2013 sequestration of appropriated money. "The U.S. Forest Service's total fire budget decreased by approximately five percent this year, from \$2.174 billion in FY 112 to \$2.058 billion total in FY 13," she said.

As has been widely reported, including by us, the Forest Service has begun transferring \$600 million from line programs, including recreation, to

pay for emergency fire-fighting programs.

Chief Tom Tidwell told agency leaders in a memo a fortnight ago that this fire season has been so severe the agency has used up most of its fiscal 2013 fire suppression money. Congress appropriated approximately \$1 billion for Forest Service suppression; that counts a \$55 million reduction from a sequestration law.

An enormous conflagration that spread into northern Yosemite National Park has capped the fire season, with more than a month to go.

"As predicted this year's fire season has led to costs that exceed appropriated fire suppression funds and once again we must now transfer funds from other accounts to make up the difference," Tidwell said last month in a memo to regional foresters, station directors and other agency cadre.

Tidwell based the amount of reductions on available balances in each office but he said he would allow each office to "decide the program mix that best suits the needs of your unit." That means almost every operation, whether oil and gas or timber or grazing or recreation, will take a hit.

Among other things Tidwell ordered the offices to "defer award of any contract, grant and other procurement actions other than hazardous fuels projects and emergency needs."

The administration immediately came under attack for requesting a significant decrease in fire suppression money in fiscal 2014, money that theoretically would be used to prevent extreme wildfires. Said a spokesman for Senate Energy Committee Chairman Ron Wyden (D-Ore.), "The administration requested 40 percent less than previous years for prevention but having less prevention money leads to bigger fires and more likely transfers from other programs."

A huge coalition of interest groups appealed to House and Senate leaders this week to approve an emergency \$600 million appropriation for

the Forest Service. Representatives of the timber industry, conservationists, the livestock industry, the recreation industry and more asked appropriators August 27 to provide suppression money immediately.

The coalition added, "We also ask the Congress to provide an emergency supplemental at a level of at least \$600 million to fund the Forest Service fire suppression needs and reimburse non-fire funds borrowed for emergency services."

Longer term the coalition asked appropriators to put wildfire suppression in a special category within agency budgets so that emergency money can be allocated from outside land management agency funds.

"Congress must act to provide the Forest Service and the Department of the Interior with an emergency wildfire budget structure that will enable them to succeed," said the groups.

Topik, who served for a long time on the staff of the House Appropriations subcommittee on Interior and Related Agencies, said, "This emergency fire borrowing both depletes vitally needed non-fire funds but also has a chilling effect throughout land managing agencies as they are told to stop normal business and conserve operations, grants and contract funds for possible future fire emergency needs. This is a double-whammy against America's public lands and communities."

The Interior Department has not yet begun to transfer money from line operations to emergency fire fighting. "(A)t this point, Interior is not diverting funds to fight fires," said a spokeswoman. However, *CNN* reported that Interior is projected to run out of its \$368 million in fire suppression money by mid-month.

The House subcommittee on Interior appropriations July 23 approved a fiscal 2014 appropriations bill that would appropriate a substantial amount of money for fire fighting in the coming year, a total of \$4.08 billion.

But that won't help fiscal 2013

suppression unless Congress uses some of the money for payback.

Among the subcommittee breakouts are, for the Forest Service, \$1.613 billion for fire suppression and prevention and \$315 million for an emergency account called FLAME. For the Interior Department the subcommittee would provide \$493 million for suppression and prevention and \$92 million for the emergency FLAME account.

The National Interagency Fire Center said September 5 that 2013 has not been a statistically severe fire season in terms of numbers of fires and acres burned. The center said just over 35,000 fires have been identified this year compared to just over 56,000 in the ten-year average from 2004-2013. And the number of acres burned is down to 3.9 million from a ten-year average of 6.2 million. However, ongoing wildfires in California and throughout the West threaten to drastically increase those numbers.

The Yosemite fire: As of yesterday the Rim Fire had burned almost 240,000 acres of backcountry, including more than 40,000 acres in Yosemite National Park. The fourth largest fire in California history (thus far) has slowed in recent days, according to fire fighters, and was 80 percent contained at press time.

Yosemite park officials said the main tourist areas of the 750,000-acre site have remained open, including Yosemite Valley, home to many of the park's principal tourist sites. The park has closed two of the four main access roads - Tioga Road and Big Oak Flat Road. In addition the park has placed a ban on fires within Yosemite Wilderness and in High Sierra Camps. The park said campfires and cooking fires are allowed in developed portions of the park.

Most of the fire is burning in the Stanislaus National Forest, which has closed the entire Groveland Ranger District and much of the Miwok Ranger District. The forest says the cost of fighting the fire is nearing \$40 million.

Only Florida opting out of RTP program in next year

The States of California, Maine and Kansas - at one time questionable participants in the fiscal year 2014 Recreational Trails Program (RTP) - all enrolled this week. The 2014 program actually begins October 1. Only Florida opted out.

The State of California initially said this spring that it would opt out of the \$85 million per year program, which uses gasoline taxes paid on recreational vehicles to pay the freight. California had intended to divert the recreation-related transportation money to a broad program to benefit urban areas. But under pressure from the rec trail establishment, the state backed off.

The State of Maine faced a different calculus. The way the overarching federal recreation program called Transportation Alternatives was set up, if Maine opted in to the RTP program, it would receive little other transportation alternatives money.

But the State of Maine Division of Parks and Public Lands website said, "The State of Maine has agreed to take part in the RTP under the Federal Highway Administration, the federal agency that administers the program at the national level."

The State of Kansas opted out of the fiscal 2013 program, but will participate in fiscal 2014. "The State of Kansas will be back in the Federal Recreational Trails Program," said the Kansas Department of Wildlife, Parks and Tourism website.

With California, Kansas and Maine on board only one state opted out - Florida. Florida and Kansas opted out last year, although Florida insists it has enough funding reserves to maintain a recreational trails program without taking the RTP money.

The Federal Highway Administration's Trails and Enhancements Program confirmed September 4 that only

Florida would not participate in fiscal 2014.

In a tricky compromise Congress in writing a two-year surface transportation law last year lumped RTP into a broad conservation/recreation line item called Transportation Alternatives. It appropriated \$760 million per year for a group of recreation programs in the line item, including RTP. At the same time Congress in the law, Moving Ahead for Progress in the 21st Century (MAP-21), set aside \$85 million per year for RTP.

Further complicating things MAP-21 (PL 112-141 of July 6, 2012) authorized states to opt out of RTP and transfer the unused money to other transportation alternative programs. In fiscal year 2012 only Florida and Kansas opted out. Now Kansas is back and Florida is the only outlier.

California was the big one. Gov. Jerry Brown's initial fiscal 2013-2014 budget proposed that the state opt out and use the state's \$5.7 million for a mix of urban programs.

But the Coalition for Recreational Trails immediately fired off a letter to Brown objecting to the proposed diversion from RTP because the provision is financed by gasoline taxes paid by trail users.

"RTP is not just another funding program," the recreationists told Brown. "RTP is a user-pay/user-benefit program that derives its funding from the Federal gas taxes paid by off-highway recreation vehicle owners. The RTP receives only a small portion - \$5.7 million - of the Federal recreation fuel taxes paid annually by California residents, which amount to almost \$22 million."

Signing the letter to Brown were more than 100 entities ranging from conservation groups such as American Trails to off-road vehicle users such as the BlueRibbon Coalition to 15 cities, including Beverly Hills of all places. The RTP activists said that the fiscal 2013-2014 budget proposes to opt out of RTP and asked him to reconsider.

NPS advocates have senators' backs on NPS backlog aid

Conservationists, the recreation industry and tourism groups August 19 jointly praised the Senate Energy Committee for approving a one-time, \$50 million allocation to attack a Park Service maintenance backlog.

The provision, approved by the committee in July, faces an uncertain future. It is a long shot because it is one of many nongermane provisions attached to legislation (S 723) that would keep the nation's crucial helium supply viable beyond October 1. And the House may resist such nongermane provisions.

Under existing law the Bureau of Land Management (BLM) administers a huge Federal Helium Reserve in Texas that provides 40 percent of the nation's supply of the gas. Helium is used to make computer chips, optical fibers and medical equipment.

The House recognized the seriousness of the situation April 26 and approved a one-year extension (HR 527) of the BLM program by a vote of 394-to-1. That theoretically would give private companies time to develop new reserves, or give Congress time to develop legislation to transfer the BLM reserves.

But the House bill is totally different than the Senate measure. The House added no other provisions, whereas the Senate measure contains a half-dozen, such as compensating counties with \$329 million for the presence of federal lands in their midst, revision of an Abandoned Mine Lands coal program, and allocating \$50 million for reclaiming abandoned oil and gas wells in Alaska.

The Park Service provision is simple. It would set aside without further appropriation \$50 million over the fiscal 2014-2018 period for Park Service maintenance. The provision would require a non-federal match, bringing the total program firepower to more than \$100 million.

That's a good idea, said a coalition including the National Parks Conservation Association, the American Recreation Coalition, the Outdoor Industry Association, and the Western States Tourism Policy Council.

They wrote Senate Energy Committee Chairman Ron Wyden (D-Ore.) and ranking committee Republican Lisa Murkowski (R-Alaska) August 19 to show they had the Senate politicians' backs. "This is an important investment in a larger challenge to properly fund the National Park System in light of recent drastic cuts to National Park Service operations and construction accounts," said their letter. "We hope this proposed funding partnership provides one of many diverse supplemental funding options as the nation prepares to celebrate the National Park Service's Centennial."

Compromising federal and nonfederal efforts to come up with maintenance money - not just for the Park Service, but also for all federal land management agencies - is the fiscal year 2013 budget sequestration law. It knocked five percent off the top of all federal spending.

The upcoming Centennial of the Park Service in 2016 has produced a number of initiatives to find money to attack the \$11.5 billion deferred maintenance backlog. In one initiative many of the same groups that wrote Wyden and Murkowski are attempting to find non-federal money to supplement annual appropriations.

In a second, less-formalized initiative leading senators from both parties in early June backed public-private partnerships as a means of providing significant new revenues for the system. Those senators include Wyden, John Portman (R-Ohio) and Mark Udall (D-Colo.) They said they are trying to line up support for legislation to establish an endowment with matched dollar-for-dollar public-private contributions to the parks. Past such proposals recommended as much as \$1 billion per year.

The senators are following up in a way on both a private Second Century

Commission report that advocates regeneration of the park system and a Centennial blueprint written by the Park Service itself, *A Call to Action*. Among other things *A Call to Action*, published on Aug. 25, 2011, recommended a \$1 billion endowment program.

FS sees hike in rec visitors; critics doubt the numbers

The Forest Service has just published a recreation use report that Secretary of Agriculture Tom Vilsack is touting for the large number of visitors to the national forests - more than 160 million in 2012.

According to the Forest Service's National Visitor Use Monitoring Survey, recreation visitation is up marginally from reports published for fiscal years 2005-2009 (155.8 million visitors), 2006-2010 (157.1 million visitors) and 2007-2011 (159 million visitors.) The most recent report for fiscal 2008 through 2012 counts 161 million visitors.

But not everyone is on board. Forest Service critic Kitty Benzar, president of the Western Slope No-Fee Coalition, says visitation has actually dipped significantly since the service launched its National Visitor Use Monitoring program in 2001.

"I've given them a hard time ever since it started in 2001 about the fact that their total visitation numbers have steadily fallen with each subsequent report, from 214 million in the first report to 166 million in last year's release," said Benzar.

But the Forest Service said the numbers change because of changes in assumptions that go into the annual survey.

What really bugs Benzar though are recreation fees. She maintains that fees charged by the Forest Service at campgrounds it manages and fees charged by concessioners in national forests limit visitation.

Benzar and her coalition are

particularly critical of "amenity fees" levied by the Forest Service and BLM under the Federal Lands Recreation Enhancement Act (FLREA). The critics object to the agencies' practice of requiring entrance fees to large areas that contain developed sites, even if visitors don't intend to use the developed campground or marina.

Said Benzar, "Academic studies have consistently shown that even a small fee will deter/reduce visitation by 30% of people at all income levels and 50% of low-income people. Other factors like the price of fuel, the economic downturn, etc. play a role of course but the fact is that FS visitation has consistently fallen for more than ten years, through all kinds of financial ups and downs."

FLREA is scheduled to expire on Dec. 8, 2014, but the House subcommittee on Interior appropriations July 23 approved a one-year extension as part of a fiscal 2014 money bill. The extension would run through Dec. 8, 2015.

In its new report the Forest Service says its data show that the public does not object to user fees. "Most places on National Forests do not have any fees associated with recreation use," the report says. "However for those that do have fees, the majority of visitors are satisfied with the value they receive for the fees they paid. In Day Use Developed Sites, including ski areas, 81 percent are satisfied; in overnight sites, 87 percent are satisfied."

In addition to the boots-on-the-ground visitors, the Forest Service estimates significant numbers of people drive in and around national forests. "As well, we estimate there were an additional 300 million occasions of people traveling on scenic byways and similar routes near National Forest lands, in which visitors appreciated the beauty of the National Forests from their vehicles," the report says.

Recreation pays, the report says. "Spending by recreation visitors in areas surrounding National Forests amounted to nearly \$11 billion,"

according to the service. "Visitors who live more than 50 miles from the forest account for the bulk of these contributions; they spend about \$5 billion annually. As visitor spending ripples through the US economy, it contributes a little more than \$13 billion to GDP, and sustains about 190,000 full and part time jobs."

The 2002 Forest Service report is available at: [http://www.fs.fed.us/recreation/programs/nvum/2012%20National Summary Report 061413.pdf](http://www.fs.fed.us/recreation/programs/nvum/2012%20National%20Summary%20Report%20061413.pdf).

Transportation alternatives advocates fear new attack

Rec trails supporters say they headed off an attempt to cut off transportation-related spending on trails a month ago, but that new such proposals may be offered when the House and Senate address appropriations bills later this month.

The Rails-to-Trails Conservancy August 27 alerted its members: "When your elected officials return to Capitol Hill in just a few short (days), Senator Paul and his supporters are poised to pick up right where they left off on their vendetta against the Transportation Alternatives Program."

Paul is Sen. Rand Paul (R-Ky.) and he is one of several senators who introduced amendments that would eliminate a lead recreation initiative called Transportation Alternatives Program (TAP) in fiscal year 2014. The proposed amendments to a fiscal 2014 Transportation spending bill (S 1243) would transfer the \$760 million appropriation from TAP to road and bridge construction.

The House is also expected to take up its version of a fiscal 2014 Transportation spending bill (HR 2610) in September and the Rails-to-Trails Conservancy anticipates an amendment there similar to Paul's to eliminate TAP spending.

In the bigger transportation picture the Senate and House on August 1 and July 31 respectively failed to

approve fiscal 2014 spending bills, the Senate because the measure contained too much money and the House because the measure contained too little money.

The failure of the Transportation bills sets a difficult precedent for the several other domestic spending bills waiting for floor action, including an Interior and Related Agencies bill and an Agriculture bill. The House did approve an Energy and Water bill (HR 2609) July 24. *(See page one article.)*

In the Senate most Republicans demanded that the Transportation money bill follow the dictates of a budget sequestration law and live within a spending cap nearer the House number of \$44.1 billion than the Senate cap of \$54 billion.

The Republicans kept a filibuster going by a vote of 54-to-43. Sixty votes were needed to stop it.

The House has the opposite problem. Enough Republicans rebelled at the alleged penuriousness of the \$44.1 billion spending cap that Republican leaders felt they did not have the votes to pass the measure (HR 2610).

The House Appropriations Committee approved its Transportation bill (HR 2610) June 27 with \$44.1 billion in discretionary spending, or \$7.7 billion below the fiscal 2013 level. That is \$4.4 billion below the fiscal 2013 level counting sequestration.

But House Republicans apparently did not have the House floor votes to pass HR 2610 July 31. That prompted House Appropriations Committee Chairman Hal Rogers (R-Ky.) to apparently give up on austere House spending bills.

The Senate Appropriations Committee approved its bill (S 1243) June 27 with \$54 billion.

But Senate Minority Leader Mitch McConnell (R-Ky.) said on the Senate floor August 1 that the bill would violate the budget sequestration law called the Budget Control Act of 2011 (PL 112-25 of Aug. 2, 2011).

NPS completes Yellowstone snowmobile plan - for 2014-15

The Park Service August 21 took a major step toward establishing a new snowmobile management regime in Yellowstone National Park: It completed an EIS and plan to support the new policy.

But before the new policy can take place in the winter of 2014-2015 NPS must complete final regulations, and fend off any lawsuits that come its way.

In the interim the plan/EIS call for the continuation this winter (2013-2014) of standards that NPS has used for the last four winters. NPS says it intends to complete a regulation before December 15 that will (1) allow an extension of the old policy for this upcoming winter and (2) authorize the new policy in 2014-2015.

To sum up, this winter the park will allow up to 318 snowmobiles per day and up to 78 snowcoaches per day. The following winter (2014-2015) NPS would authorize up to 50 groups of snowmobiles daily to enter the park with up to seven vehicles in a group and up to 60 snowcoaches. That's a total of 110 "transportation events." In addition both snowmobiles and snowcoaches would have to pass tougher noise emission standards eventually.

The new policy has been welcomed by snowmobile interests and state and local governments. But some environmentalists and NPS retirees have been uneasy about it.

However, the Greater Yellowstone Coalition of conservation groups says the new policy shows progress. "While not perfect, () the plan shows just how far we've come since the days when noisy, foul-smelling sleds careened willy-nilly across the park on and off road, occasionally playing pinball with stressed Yellowstone bison," says the coalition of the NPS proposal. "Today's snowmobiles are cleaner and quieter, must remain on the roads, and be led by a certified guide."

The coalition said its main

concern is the opening of the Sylvan Pass to snowmobiles entering the park. Greater Yellowstone says the entrance is dangerous because it requires blasting to open the way into the park. In addition the coalition says few snowmobilers use the entrance.

The Coalition of National Park Service Retirees has bigger problems. The retirees take issue with a central tenet of the proposed rule of April 16, 2013 - implementation of new noise and air pollution standards by the winter of 2017-2018. The retirees are recommending an earlier implementation in the winter of 2015-2016.

"There is little reason to subject the air quality, the soundscape and the park's wildlife and visitors to noisier and dirtier machines for 4 more years since there are already snowmobiles and snowcoaches on the market that meet the enhanced 'Best Available Technology' (BAT) standards," the coalition advised its members. "Concessionaires have stated that they generally replace their snowmobile fleets every two years and thus a two-year phase-in of the new BAT standard for snowmobiles (in 2015-16) would not be onerous."

While Park Service retirees have problems with the proposed regulations the American Council of Snowmobile Associations suggested its members endorse the proposed rule as follows: "I am writing in support of the Proposed Winter Use Rule (RIN 1024 - AE15) for Yellowstone National Park and particularly support its approach to managing winter use by transportation events. This will be a very positive change which will allow greater flexibility for park management while protecting park resources and providing reasonable visitor access."

But the retirees have objected to the concept of transportation events from the beginning. Said Denis Galvin, a former deputy director of the Park Service, "Yellowstone has built its proposed plan around an assurance that 'transportation events' of different types will have 'comparable impacts.' But the park proposes to allow snowmobile groups to exceed

its own measure of 'comparability,' generating disproportionate noise and exhaust and less ideal conditions for visitors seeking to experience and enjoy Yellowstone."

The Wyoming Congressional delegation is more or less on board with the NPS proposal. As Sen. John Barrasso (R-Wyo.) said when the plan was completed in February, "Today's announcement will hopefully bring to close a 15-year long debate on how the National Park Service manages Yellowstone's winter use activities. I'm encouraged Wyoming's views were incorporated into the final plan.

CR likely for early FY 2014; great disparities set out

Chances are the House and Senate later this month will simply extend fiscal year 2013 spending levels (with sequestration reductions intact) when fiscal 2014 begins October 1. That's according to Speaker of the House John Boehner (R-Ohio).

The extension would run from 60 to 90 days. Longer extensions may follow. If by some miracle House and Senate appropriators do sit down to work out a compromise public lands spending bill, they will have their hands full. That's because the leaders of the Senate Interior and Related Agencies Appropriations subcommittee in early August published a draft fiscal 2014 spending bill that would appropriate \$5.9 billion more than the \$24.3 billion the House subcommittee on Interior appropriations approved July 23. The Senate subcommittee would spend \$30.2 billion.

Boehner told his Republican troops August 22 that he intends to hold the line on sequestration, i.e. insure that the fiscal 2014 appropriations law includes reductions similar to those in a fiscal 2013 spending law. He is insisting on a budget ceiling for all departments of \$967 billion that is \$91 billion less than the Senate ceiling of \$1.058 billion.

The House Appropriations Committee

began to address its subcommittee-passed Interior and Related Agencies spending bill (no number yet) July 31, but made little progress. The bill is so controversial because of a dearth of money it may never reach the House floor.

In the Senate the chairman and ranking member of the subcommittee on Interior and Related Agencies August 1 published a proposed spending bill. Again, the Senate draft may never reach the floor, but this time because of an excess of money.

Of importance, the Senate draft bill surfaced the day after House Appropriations Committee Chairman Hal Rogers (R-Ky.) apparently gave up on austere House spending bills. After House Republican leaders July 31 realized they didn't have the votes to pass a Transportation appropriations bill, they pulled it from the floor.

Boehner told his members August 22, "When we return, our intent is to move quickly on a short-term continuing resolution [CR] that keeps the government running and maintains current sequester spending levels."

The numbers: Here are some of the proposals in the two bills compared to fiscal 2013, but not counting 5.5 percent across-the-board sequestrations in fiscal 2013.

LWCF FEDERAL: Senate draft, \$225 million; House subcommittee, zero; fiscal 2013, \$186 million.

LWCF STATE: Senate draft, \$45 million; House subcommittee, zero; fiscal 2013, \$45 million.

STATE WILDLIFE GRANTS: Senate draft, \$61.2 million; House subcommittee, zero; fiscal 2013, \$61.2 million.

URBAN PARKS AND RECREATION RECOVERY: Senate draft, \$10 million; House subcommittee, zero; fiscal 2013, zero.

FOREST LEGACY: Senate draft, \$60 million; House subcommittee, zero; fiscal 2013, \$53 million.

NPS OPERATIONS: Senate draft, \$2.279 billion; House subcommittee, \$2.121 billion; fiscal 2013, \$2.214 billion.

HISTORIC PRESERVATION: Senate draft, \$65.9 million; House subcommittee, \$45.3 million; fiscal 2013, \$56 million.

NPS CONSTRUCTION: Senate draft, \$145 million; House subcommittee, \$106 million; fiscal 2013, \$131 million.

NPS REC AND PRES: Senate draft, \$64.3 million; House subcommittee, \$48.5 million; fiscal 2013, \$60 million.

NPS HERITAGE AREAS: Senate draft, \$21.2 million; House subcommittee, \$8 million; fiscal 2013, \$9 million. In addition the Senate draft would extend for one year the authorization for 12 national heritage areas. The House subcommittee would not.

FOREST SERVICE RECREATION: Senate draft, \$261 million; House subcommittee, \$262 million; fiscal 2013, \$276 million.

FOREST TRAILS: Senate draft, \$81.4 million; House subcommittee, \$82.5 million; fiscal 2013, \$78.1 million.

BLM RECREATION: Senate draft, \$51.8 million. Fiscal 2013, \$48.6 million. House not broken out.

WILDLIFE REFUGE SYSTEM: Senate draft, \$484 million; fiscal 2013 \$478 million. House not broken out.

The riders: While the House subcommittee was more active in the way of riders, it may not matter much because the Interior spending bill will likely be wrapped into a bare-boned continuing resolution, sans most riders. But here is a list of the provisions of the House subcommittee and Senate draft bills that dip into policy arenas.

* *STATUE OF LIBERTY ACCESS:* House and Senate. Both the House subcommittee and the Senate draft bill would authorize NPS to acquire lands in New York and New Jersey to use for providing transportation to the Ellis, Governors and Liberty Islands in New York Harbor.

* FEDERAL LANDS RECREATION ENHANCEMENTS ACT (FLREA): House only. The subcommittee would extend the existing recreation fee law one year through Dec. 8, 2015. That presumably would give authorizing committees time to replace or extend FLREA for years.

* NPS HERITAGE AREAS: The Senate draft would extend for one year the authorization for 12 national heritage areas. The House subcommittee would not. A draft House committee report said the subcommittee "has not included requested language to extend the 12 expiring areas' authority by one more year." On the money side the Senate draft would appropriate \$21.2 million for national heritage areas and the House subcommittee \$8 million.

* TRAVEL MANAGEMENT PLANS: House only. The House subcommittee would have national forests rewrite travel management plans "where communities are dissatisfied" with existing plans. The Senate draft does not address the issue.

* EISENHOWER COMMISSION: House only. The House subcommittee bill would provide no money for the Dwight D. Eisenhower Memorial Commission. The Senate would appropriate \$2 million, compared to a fiscal 2013 appropriation of \$1 million.

* OCEANS: House only. The subcommittee would block implementation of a National Oceans Policy proposed by the Obama administration. House Republicans argue the administration policy would lead to zoning of the ocean and a decrease in recreational fishing opportunities.

* WETLANDS: House only. The Interior bill is one of many pieces of legislation that House Republicans are trying to use to block implementation of a proposed administration wetlands policy. Republicans argue the policy would require a permit for nonnavigable waters, violating Supreme Court decisions.

* HUNTING: House only. The bill would declare public lands open to hunting unless specifically closed. This proposal enjoys some Democratic

support and is being proposed by House and Senate Republicans and Democrats in several other authorization bills.

* SNOWMOBILES: House only. The bill would authorize the Forest Service to write new oversnow vehicle regulations.

Brand USA takes GAO hit as GOP ratchets up criticism

The federal-private corporation charged with promoting international tourist visitation doesn't keep good books to document its claimed successes, GAO said in a new report August 26.

GAO said the \$100 million per year Brand USA enterprise does keep track of some visitor input - such as social media - but it doesn't track the hard numbers of the direct results of its marketing and the expenditures of visitors.

"Brand USA has taken some steps to measure its performance but has not yet developed a plan to monitor and evaluate its promotional campaign's impact regarding two key long-term goals - increasing travel to, and travelers' spending in, the United States," said GAO.

Brand USA countered that identifying the impacts of its marketing on visitation would be difficult. But GAO came back, "Without a plan that identifies the specific timeframes, methods, and data sources for evaluating its progress toward its long-term goals, Brand USA may be missing opportunities to optimize its resources." GAO prepared the report for Rep. Bennie G. Thompson (Miss.), ranking Democrat on the House Committee on Homeland Security.

Brand USA President Christopher L. Thompson told GAO that the corporation is new to the travel data business and is working on it. "Since we have just over a year of advertising under our belt, we are in the benchmarking phase of that measurement process," he wrote GAO. "Yet even at this early stage, we have outlined a metrics plan that will

allow us to optimize our messaging and ultimately determine an attributable level of impact.”

Under the law Brand USA receives matching money from an unusual set of sources. First, it is entitled to tap a fund in the U.S. Treasury that draws on a \$10 per head travel promotion fee. The corporation then is authorized to use \$1 from the fund to match every \$2 of nonfederal contributions. The corporation has an annual budget of about \$100 million.

Brand USA takes some credit for a big seven percent jump in foreign visitation in the United States in 2012, up 4 million visitors to 67 million. The program encourages trips to the national parks and public lands.

A 2012 report by a federal Task Force on Travel Competitiveness describes the interplay between Brand USA and federal land recreation. The report promoted a new Obama administration initiative to attract international visitors.

“While in the United States, international travelers engage in a variety of activities, visiting urban areas as well as small towns,” says the 2012 competitiveness document. “A significant number of international travelers seek out nature - and culture -based experiences, such as visiting historic sites (40 percent of overseas travelers), cultural sites (23 percent) and national parks (20 percent). One-tenth of all visitors surveyed at national parks since 2002 were of international origin.”

But the GAO report arrives at a difficult time for Brand USA because conservative Republicans are attacking the corporation for wasteful spending. And the Republicans charge the program is designed to promote visitation to Senate Majority Leader Harry Reid’s (D-Nev.) home state of Nevada, although Brand USA promotes all 50 states.

At any rate Brand USA, which Congress established in 2010 as part of the Travel Promotion Act, is authorized through September 2015. The Senate

June 27 approved a provision in a giant immigration bill (S 744) that would make the program permanent.

Rep. Dina Titus (D-Nev.) has introduced a stand-alone bill (HR 2626) that would also make the program permanent.

However, Congressional Republicans are not about to approve legislation that would benefit Sen. Reid, directly or indirectly. That marker was laid down last October by six Republican senators in a report that said Brand USA was wasting taxpayer money. The report detailed individual expenditures by corporation officials that “reveal a history of questionable expenditures, lavish spending, inappropriate lobbying activity and corporate cronyism at the corporation.”

Among other things the Republicans cited a Brand USA party in London for 560 VIPs. Rooms alone cost \$17,000, the report says. However, Black Diamond Films, a British Company, did donate more than \$215,000 to the corporation.

The Commerce Department oversees Brand USA. Fortuitously for the corporation Secretary of Commerce Penny Pritzker formerly headed the Office of Travel Promotions that supervises Brand USA. In addition the powerful U.S. Travel Association is a big supporter.

The GAO report, *TRAVEL PROMOTION: Brand USA Needs Plans for Measuring Performance and Updated Policy on Private Sector Contributions*, is available at <http://www.gao.gov/products/GAO-13-705>.

Mead again tells EPA haze rule would cost Wyoming lots

Wyoming Gov. Matt Mead (R-Wyo.) formally repeated his charges to EPA August 26 that a proposed Wyoming-peculiar visibility rule would cost utilities in the state hundreds of millions of dollars, if not billions of dollars.

In a letter to EPA Administrator Gina McCarthy, Mead said the EPA

proposal to clean up air over national parks and wilderness areas would come close to putting utilities in the state out of business.

"EPA's proposed technologies for installation has forced utilities to consider shutting down units, unless they are granted a more reasonable approach. EPA's proposed technologies are cost prohibitive when of the remaining useful life of each unit is considered - and the remaining useful life is short," he said.

Mead defended an alternative state proposal. "Wyoming has taken steps to implement its plan," he said. "Affected utilities initially resisted the state's plan and challenged its implementation before the Wyoming Environmental Quality Council. That resulted in settlement agreements that set forth detailed pollution control technologies and installation schedules for each generating facility. Affected utilities have already invested hundreds of millions of dollars installing agreed upon technologies."

Mead's office said a state analysis of the federal proposal indicated it would cost utilities \$1.2 billion in capital expenses and \$170 million per year after that. When the EPA proposal first came out Wyoming put the costs at \$1 billion over all and \$100 million year.

EPA proposed the rule June 10 because it said a Jan. 12, 2011, Wyoming plan for reducing haze over Class I public lands (national parks and major wilderness areas) within the state failed because it did not establish rigorous controls over coal-fired power plants. EPA did approve the rest of the state plan.

EPA faulted Wyoming's methodology in assessing both the cost of the state regulations and the potential efficacy of the state regulations. Anent the efficacy of the regs EPA said the state had lumped several sources of pollutants together.

The haze dispute focuses on Section 169 of the Clean Air Act that

directs EPA to regulate visibility over Class I federal areas. They include 156 national parks and wilderness areas larger than 5,000 acres. Under the law EPA has directed states to prepare state implementation plans (SIPs) to clean up regional haze that limits visibility over the Class I areas. However, EPA has set repeated deadlines and few states have completed SIPs. Under Section 169 of the act, if states don't complete SIPs by certain dates, EPA is to write federal implementation plans for them.

Western states are addressing the SIP requirement differently. While Mead is rebelling, Colorado Gov. John Hickenlooper (D) submitted a SIP that EPA approved in September 2012. The entire Colorado Congressional delegation endorsed the plan, including such EPA critics as Republican Rep. Doug Lamborn (R).

Notes

RS 2477 ROW deal set; a precedent?

A federal court September 4 approved a lawsuit settlement that provides locally-supervised access across three RS 2477 rights-of-way in Utah on federal lands. The agreement was reached by the Justice Department, the State Of Utah, Juab County and three environmental groups. It remains to be seen if the complex negotiation will set a precedent for the 14,000 RS 2477 roads the State of Utah has claimed in 29 other lawsuits. The Wilderness Society hopes so. "This settlement shows that even the most divisive of issues surrounding our public lands can be resolved if reasonable minds are willing to come to the table," said Phil Hanceford, assistant director of agency policy and planning at The Wilderness Society. "It gives us hope that we can work together with diverse stakeholders elsewhere in Utah to provide more certainty and protection for our wildest public lands." Bureau of Land Management Utah State Director Juan Palma was also optimistic. "This settlement serves as a tangible reminder that certain RS 2477 issues can be resolved through good-faith negotiations and cooperation," he said. Under the agreement Juab County will be

allowed to provide access across the three rights-of-way (ROWS) to an area known as Camp Ethel in the Deep Creek Mountains, a wilderness study area, but under strict limitations. Those limits include a bar on development, as well as seasonal restrictions. Stephen Bloch, legal director for the Southern Utah Wilderness Alliance, warned that the battle is far from decided. "This settlement is a positive development, but it shouldn't be lost on anyone that the State of Utah has 29 other active lawsuits claiming more than 14,000 other dirt roads and trails (totaling more than 36,000 miles) as RS 2477 'highways,'" he said. "These claims, many of which are nothing more than cowpaths or dry streambeds, crisscross National Parks, National Monuments, and Utah's remarkable red rock wilderness."

Jewell ponders King Cove road.

Secretary of Interior Sally Jewell August 30 visited the King Cove community in Alaska that almost blocked her confirmation as secretary. She heard residents of the community say why the federal government should approve an eight-mile road through the Izembek National Wildlife Refuge as a connector to an airport in the event of emergencies. The Fish and Wildlife Service (FWS) completed an EIS last year that recommended against the road. When Sen. Lisa Murkowski (R-Alaska) threatened to place a hold on Jewell's nomination because of the FWS EIS, former Secretary of Interior Ken Salazar agreed to reconsider the position. The ball is now in Jewell's court. According to the *Associated Press* Jewell said she will wait on a report from the Assistant Secretary of Interior for Indian Affairs Kevin Washburn before making a decision and when she does make a decision she will follow the law. A big omnibus lands bill of 2009 authorized a land exchange that would increase the size of the Izembek refuge and the Alaska Peninsula Wildlife Refuge by 56,000 acres. In return 206 acres of federal land would be used to build a road.

Sandy grants plan announced. The National Fish and Wildlife Foundation (NFWF) this fall will administer a competitive program to allocate \$100

million in Hurricane Sandy recovery grants in Mid-Atlantic States. Funded by an Hurricane Sandy emergency appropriation (PL 113-2 of January 29), the grant program will concentrate on projects that will protect wetlands, beaches and other natural areas from another storm. Or at least minimize the damage. Projects are limited to Connecticut, Delaware, the District of Columbia, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, and West Virginia. The NFWF will not select grant winners. That will be done by the Interior Department's Executive Council from recommendations submitted by a panel of experts. PL 113-2 allocates hundreds of millions of dollars for the restoration of national parks, wildlife refuges and historic sites damaged by Hurricane Sandy. The law distributes directly \$348 million to the Park Service, \$78 million to the Fish and Wildlife Service, \$50 million to historic preservation, \$4.4 million to the Forest Service and more than \$1 billion to the Corps of Engineers. And it appropriates to the Secretary of Interior an additional \$360 million to restore and rebuild parks and refuges.

N.D. O&G conservation fund eyed.

North Dakota Secretary of State Al Jaeger August 29 gave conservationists the go-ahead to collect signatures in support of a November 2014 conservation initiative. The proposed amendment would set aside five percent of an annual state oil and gas extraction tax for conservation purposes. In that the tax brings in almost \$800 million per year in the energy-rich state, the amendment would generate about \$45 million annually. Conservation groups such as the Nature Conservancy say they will now begin collecting the 26,904 signatures needed to put the issue on the ballot. The Clean Water, Wildlife and Park Coalition asked Jaeger to approve their petition to collect signatures.

GOP backs hunt, fish bill. Sen. Lisa Murkowski (R-Alaska) said a fortnight ago that she has signed up seven Republicans to cosponsor her catchall sportsmen's legislation (S 1335) that favors hunting and fishing opportunities on federal lands.

However, Murkowski has no Democratic cosponsors. They may be waiting for Sen. Jon Tester (D-Mont.) to introduce a similar bill that he promoted last year. As for the Murkowski bill among the dozen provisions is an old proposal that would make Bureau of Land Management (BLM) and Forest Service lands open to hunting and fishing unless specifically closed. That includes conservation lands. Other provisions of the bill would reauthorize the land sale/acquisition law called the Federal Land Transaction Facilitation Act; reauthorize the North American Wetlands Conservation Act; exempt lead ammunition and fishing tackle from the Toxic Substance Control Act; and allocate at least 1.5 percent of Land and Water Conservation Fund money to acquiring access for hunting and fishing. In a separate action Murkowski and Sen. Joe Manchin (D-W.Va.) introduced January 29 a bill (S 170) that includes just the open-unless-closed provision. Rep. Dan Benisek (R-Pa.) has introduced a House version of the open-unless-closed bill (HR 1825).

Gulf clean-up goals set. A federal-state council August 28 approved the goals of a plan to help restore conservation lands in the wake of Hurricane Katrina. The council, chaired by Secretary of Commerce Penny Pritzker, said the plan would guide the restoration "of natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, coastal wetlands, and economy of the Gulf Coast region." However, the plan includes neither a description of how the hundreds of millions of dollars expected to be available will be allocated nor a project priority program. That's because many unknowns remain, said the council that includes five Gulf Coast governors and six federal cabinet members. The council does know it will begin with an \$800 million allocation from Transocean Deepwater, Inc. Additional money may be provided by settlement of civil claims. "The focus on the restoration of vital fisheries habitat like coastal wetlands, reefs and barrier islands and improving water quality in the initial plan is very important to sustaining recreational fishing in the region," said

Chris Macaluso, director of the Theodore Roosevelt Conservation Partnership's Center for Marine Fisheries. "Now is the time to move forward with identifying specific projects that will help accomplish these goals and ensure the projects are undertaken quickly and efficiently." More information on the council plan is available at: <http://www.restorethegulf.gov/>.

NRPA expects big Houston session.

With state and local economies improving a bit the National Recreation and Park Association (NRPA) is anticipating an extra special annual Congress October 8-10 in Houston, Texas. NRPA expects 5,000 park and recreation professionals to attend the meeting and nearly 400 exhibitors. At the Congress NRPA has scheduled more than 200 education opportunities through 11 educational tracks. Jeremy Gutsche, chief trend hunter of Trendhnuter.com, will deliver the keynote address. For more information go to <http://www.nrpa.org/Congress2013/>.

Wetland permits action asked.

Thirteen major conservation groups asked the Obama administration last month to complete a wetlands policy that would broaden the definition of water bodies that are subject to Section 404 permitting under the Clean Water Act. Congressional Republicans - and a few Democrats - oppose the policy. The proposal would interpret two Supreme Court decisions that the Bush administration used to limit permitting to navigable bodies. But the Obama administration two years ago developed the broader definition. It has been sitting in the Office of Management and Budget (OMB) ever since. Said the conservation groups, ranging from the American Fisheries Society to the Wildlife Management Institute, in a letter to OMB Director Sylvia Mathews Burwell, "Action to protect the nation's waters from pollution and habitat destruction is long overdue." The sportsmen's letter concludes, "We urge you to act immediately to finalize the guidance and launch the formal rulemaking that all sides agree is badly needed to provide clarity and certainty to landowners, developers, conservationists, and state and federal

agencies alike." However, the House has repeatedly injected an amendment to appropriations bills for the last three years banning implementation of the policy. The sportsmen's letter is available at http://www.trcp.org/assets/pdf/OMB-CWA_rule_support_8_9_13.pdf.

Boxscore of Legislation

Appropriations Fiscal 2014 (Interior)

No bill number yet. House committee began mark-up July 31. Draft Senate bill proposed August 1. House panel would keep NPS operations about level but cut severely almost all conservation programs. Senate would appropriate significant increases.

Appropriations Fiscal 2014 (Agriculture)

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

Appropriations Fiscal 2014 (Energy and Water)

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

Appropriations Fiscal 2014 (Transportation)

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

Congressional Budget Fiscal 2014

H Con Res 25 (Ryan), S Con Res 8 (Murray). House approved March 21. Senate approved March 23. Senate anticipates \$6 billion more for natural resources than House.

Land and Water Conservation Fund

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

Urban park fund

HR 2424 (Sires). Sires introduced June 18. Would authorize HUD grants and HUD

loans to provide assistance to urban parks.

National recreation commission.

HR 1834 (Grijalva). Grijalva introduced May 6. Would establish a national recreation commission with members appointed by Congress and the White House.

National monuments

HR 250 (Chaffetz), HR 382 (Foxx), HR 432 (Amodei), HR 1434 (Daines), HR 1439 (Labrador), HR 151 (Pearce), HR 757 (Stewart), HR 1459 (Bishop), HR 1495 (Gosar), HR 2192 (Nunes), S 104 (Vitter), S 472 (Heller). House hearing April 16. Would require Congressional approval or state approval of national monuments designated under the Antiquities Act.

National heritage areas

HR 445 (Dent). Dent introduced February 1. Would establish national policy and national standards for heritage areas.

Montana wilderness/recreation areas

S 37 (Tester). Tester introduced January 23. Would designate 666,260 acres of wilderness, six recreation areas totaling 288,780 acres and special management areas totaling 80,720 acres.

Farm bill

S 954 (Stabenow), HR 1947 (Lucas). Senate approved June 11. House rejected June 20. Both would establish new farm policy through 2018, complete with conservation programs.

Hunting federal lands

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

WRDA (Everglades)

S 601 (Boxer). Senate approved May 15. Would authorize new projects, perhaps including Everglades restoration.

Hatteras ORVs

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