

Federal Parks & Recreation

Bulletin #12: December 15, 2014

Dear Subscriber:

This bulletin from Federal Parks & Recreation newsletter reports on the following:

- * **Final FY 2015 approps bill holds the line on spending**
- * **Momentous omnibus lands bill given final Senate vote**

NOTE: This bulletin is a supplement to your regular edition of Federal Parks & Recreation. It is NOT your regular issue. The next issue will be published December 19. The Editors

Appropriators keep outdoor spending level in final bill

The Senate gave final Congressional approval December 13 to a fiscal year 2015 money bill (HR 83) that would roughly maintain fiscal 2014 appropriations for park and rec programs. The vote was 56-to-40.

The House had approved the bill December 11 by a fairly close 219-to-206 vote.

President Obama is expected to sign the bill into law this week. The Office of Management and Budget said December 11 the administration supports passage.

For the federal side of the Land and Water Conservation Fund (LWCF) the appropriators would put up \$165.7 million, or \$21 million less than the \$187 million in fiscal 2014. For the state side of LWCF the appropriators would put up \$48 million, or the same as the \$48 million in fiscal 2014.

Although the appropriators okayed some money for LWCF they did not include a provision to extend the program beyond fiscal 2015, to the consternation of conservationists.

The Land and Water Conservation Fund Coalition faulted Congress for not

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increasing the LWCF appropriation and for not reauthorizing the program.

Said coalition co-chair Alan Rowsome, "(W)e are disappointed that Congress chose not to increase funding for LWCF as the Senate version of the bill had proposed, putting key resource areas and the economies that depend on them at serious risk across the country. Moreover, the session will end without reauthorization of LWCF - whose current legislation expires next September - creating uncertainties for landowners and localities that could undermine ongoing efforts."

Rowsome also serves as senior director of government relations for lands at The Wilderness Society.

For Park Service operations the appropriators recommended \$2.276 billion, or \$39 million more than the \$2.237 billion in FY 2014. That includes an extra \$35 million for the Park Service Centennial in 2016.

On the policy side the appropriators would extend the **Federal Lands Recreation Enhancements Act** of 2004 through September 2016. That would allow federal land management agencies to charge for annual visitation passes next year.

Although appropriators vowed to remove riders from the bill the measure includes one that would limit the ability of EPA to complete a proposed March 25 rule that would expand the definition of a **wetland** subject to a Section 404 permit under the Clean Water Act.

Another rider would forbid the use of any fiscal 2015 appropriations money on the listing of the sage-grouse as a threatened or endangered species. Conservationists faulted that provision because, they said, it could prevent the Bureau of Land Management and western states from completing conservation plans.

A copy of the whole bill is available at <http://www.gpo.gov/fdsys/pkg/CPRT-113HPRT91668/pdf/CPRT-113HPRT91668.pdf> and a copy of the Interior bill report is available at: <http://docs.house.gov/billsthisweek/20141208/113-HR83sa-ES-F.pdf>.

HR 83 was not a lock in either the House or Senate. Liberal Democrats joined conservative Republicans in criticizing the bill. The Democrats, led by Sen. Elizabeth Warren (D-Mass.), objected to a provision to make it less risky for bankers to sell derivatives. The Republicans, led by Sen. Ted Cruz (R-Texas), objected to the absence of a provision to stop an Obama administration immigration policy.

House and Senate appropriators reached agreement December 9 on the comprehensive fiscal year 2015 appropriations bill that would maintain most park and rec spending at fiscal 2014 levels.

With an interim appropriations bill due to expire on December 11 the House and Senate were under the gun to act. To give the Senate time appropriators were reportedly working on an interim spending bill to keep the government funded through Wednesday (December 17).

The big breakthrough on the bill came December 2 when Speaker of the House John Boehner (R-Ohio) and Republican leaders committed to moving a spending bill to appropriate money for almost all agencies through September 2015.

(The exception is the Department of Homeland Security, which oversees immigration; it would receive a short-term appropriation through February to give Republicans an opportunity to stop or modify Obama administration immigration policy next year.)

That the appropriators wrote one giant, 12-bill omnibus by definition limited the number and kind of riders and restrictions House and Senate appropriators can add to it. Indeed the measure contains few riders.

As for the details of a fiscal 2015 Interior and Related Agencies portion of HR 83, much depended on appropriators' final approach to a payments-in-lieu of taxes (PILT) federal lands county assistance program. They decided to appropriate \$372 million for PILT.

Senate leaders had hoped to pay for PILT from separate authorizing legislation. That was not to be. Because of the allocation to PILT the Interior portion of HR 83 had \$372 million less to spend on federal land management and conservation.

Centennial: The appropriators approved extra money for the Park Service in anticipation of its Centennial in 2016, as requested by the Obama administration. They approved \$25 million for NPS operations and \$10 million for matching endowment grants. That's new money.

The House-Senate appropriations bill conferees said the \$25 million is to be used "to strengthen visitor services, public safety, and infrastructure programs in anticipation of increased visitation leading up to the Centennial of the National Park Service in 2016."

In addition to the appropriations for the Centennial the administration asked authorizing committees to pony up more than \$600 million in new money. Congress has not acted on that part of the Centennial request.

Riders: True to their word appropriators struck numerous riders inserted in an Interior bill (HR 5171) by the House Appropriations Committee July 15. But they did approve the amendment that would limit EPA from completing as proposed a proposed May 29 rule that would expand the definition of a wetland subject to a Section 404 permit under the Clean Water Act. The provision would protect farmers from the rule.

And they approved an amendment that would forbid EPA from issuing a rule to regulate lead content in ammunition or fishing tackle.

However, the conferees did NOT approve House riders that would have forbid any federal agency from attempting to transfer water rights to the federal government on renewal of a permit.

In addition the appropriators did not block implementation of an administration National Ocean Policy, although they did demand numerous reports on past spending to implement the policy and anticipated future spending.

Finally, HR 83 does not include a Senate rider to designate a Blackstone River Valley National Historical Park in Rhode Island. Instead, Senate subcommittee on Interior chairman Jack Reed (D-R.I.) secured Congressional passage Blackstone National Park in an omnibus lands bill (HR 3979), see below.

The numbers: Here is a summary of the final appropriations bills, compared to Senate subcommittee recommendations of August 1, the House Appropriations Committee recommendations of July 15 and fiscal 2014:

LWCF FEDERAL: The appropriators agreed to \$165.7 million, compared to \$186 million recommended by Senate leaders, \$49 million approved by the House committee and \$187 million in a fiscal 2014 appropriations law.

LWCF STATE: The appropriators agreed to \$48 million, compared to \$48 million recommended by Senate leaders, \$46 million approved by the House panel and \$48 million in the 2014 appropriations law.

PARK SERVICE OPERATIONS: The appropriators agreed to \$2.276 billion, compared to the senators' \$2.279 billion, the House committee's \$2.269 billion and \$2.237 billion in fiscal 2014.

PARK SERVICE RECREATION AND PRESERVATION: The appropriators recommended \$63.1 million, compared to the senators' \$63.1 million, the House committee's \$52 million and \$52 million in fiscal 2014. (The big difference lies in National Heritage Area spending, a subset of rec and pres, as follows.)

NATIONAL HERITAGE AREAS: The appropriators recommended \$20.3 million, compared to the senators' \$20.3 million, the House committee's \$9.2 million and \$18.4 million in the fiscal 2014 appropriation.

PARK SERVICE CONSTRUCTION: The appropriators recommended \$138.3 million compared to the senators' \$138 million, the House committee's \$138 million and \$138 million in fiscal 2014.

PARK SERVICE HISTORIC PRESERVATION: The appropriators recommended \$56.4 million, compared to the senators' \$66.4 million, the House committee's \$56 million and \$56 million in fiscal 2014.

STATE WILDLIFE CONSERVATION GRANTS: The appropriators recommended \$58.7 million, compared to the senators' \$58.7 million, the House committee's \$58.7 million and \$58.7 million in fiscal 2014.

NATIONAL FOREST SYSTEM: The appropriators agreed to \$1.494 billion, compared

to the Senate leaders' recommendation of \$1.497 billion, the House committee recommendation of \$1.497 billion, and a fiscal 2014 appropriation of \$1.497 billion.

NATIONAL FOREST RECREATION: The appropriators recommended \$261.7 million, compared to the senators' \$259 million, the House committee's \$263.9 million and \$261.7 million in fiscal 2014.

NATIONAL FOREST TRAILS MAINTENANCE AND CONSTRUCTION: The appropriators recommended \$77.5 million, compared to the senators' \$77.5 million, the House committee's \$86.8 million and \$75 million in fiscal 2014.

BLM RECREATION: The appropriators recommended \$67 million compared to the senators' \$68.5 million, the House committee's \$63.9 million and \$66.9 million in fiscal 2014.

BLM LANDSCAPE SYSTEM MANAGEMENT: The appropriators agreed to \$31.8 million, compared to the Senate leaders' recommendation of \$34 million, the House committee recommendation of \$30.8 million, and a fiscal 2014 appropriation of \$31.8 million.

WILDLIFE REFUGE MANAGEMENT: The appropriators agreed to \$474 million, compared to the Senate leaders' recommendation of \$475 million, the House committee recommendation of \$477 million, and a fiscal 2014 appropriation of \$477 million.

TIGER GRANTS: The appropriators agreed to \$500 million, compared to a Senate committee bill recommendation of \$550 million and a House committee recommendation of \$100 million. In addition appropriators did not mention a House proposal to bar the use of TIGER (Transportation Investment Generating Economic Recovery) money for bicycle and pedestrian paths.

Congress approves significant omnibus lands bill

The Senate gave final approval December 12 to a massive omnibus public lands bill (HR 3979) that includes dozens of important park and rec measures.

The House approved the bill December 4 by a vote of 330-to-119, the Senate by 89-to-11. Although Secretary of Interior Sally Jewell objected to a key provision of the bill, the President is expected to sign it into law.

There was some uncertainty on the Senate floor. Sens. Tom Coburn (R-Okla.) and Ted Cruz (R-Texas), among other conservatives, promised to attempt to excise the 96 natural resources provisions in HR 3979. Coburn wrote Senate Minority Leader Mitch McConnell (R-Ky.) last month and threatened an all-out attack against the natural resources package.

But supporters of HR 3979 prevailed on the Senate floor.

The public lands package would among other things:

- * establish a new system of *cabin fees* on the national forests,
- * authorize a *Manhattan Project* National Park to commemorate the development of the Atomic Bomb,
- * authorize a first national park unit in Delaware,
- * authorize a North Fork Watershed Act to protect Glacier National Park,
- * require a review of a *Cape Hatteras* National Seashore management plan,
- * add two important tracts to *Gettysburg* National Military Park,
- * establish a 200,000-acre Rocky Mountain Front Conservation Management Area in Montana,
- * authorize a *coin* to commemorate the Park Service Centennial,
- * extend numerous national *heritage areas*, and
- * authorize a Blackstone River Valley heritage area in Rhode Island.

The public lands legislation was written into a must-pass Defense bill and is not an amendment, a crucial difference under Congressional rules.

The House approved its Defense bill May 22 without the public lands package and the Senate Armed Services Committee approved its bill May 22 without the public lands package.

One of the lead architects of the omnibus, Sen. Lisa Murkowski (R-Alaska), said the entirety of the public lands section was well thought out.

"This package is the result of bipartisan and bicameral negotiations – weeks of meetings among the members and staff of the committees of jurisdiction, the committees who have crafted the overall (Defense) bill, leadership in both chambers, and a wide range of individual members," she said. "Our final result is hardly a rush to judgment, but instead the end of a long and actually very traditional process. We have considered, debated, and amended these provisions over the course of the Congress, using the Committee process and the House and Senate floor when we could."

Murkowski added, "We don't need to start over, working on the same bills in a new Congress."

A wide range of interest groups endorsed the agreement, including the Independent Petroleum Association of America, the Public Lands Council, The Wilderness Society and other conservation groups.

Critics included not just conservative Republican senators, who were worried about private property rights and an expansion of federal land, but also a half-dozen environmental groups. The latter objected to public lands grazing provisions.

Sen. Coburn led the conservative critics. He offered numerous amendments to remove dozens of individual provisions, especially the addition of new parks. And he offered an amendment (No. 4005) that would have forbid the acquisition of any more

land for any national park unit until the Park Service maintenance backlog decreased for at least two years in a row. None of the amendments came to a vote. (Coburn is ailing with prostate cancer. He is retiring from Congress this year.)

Murkowski responded, "To those who have spoken out against creating new national parks, given the maintenance backlogs that I think we recognize - it could be as high as \$20 billion. I get it. I agree with Sen. Coburn that we must address the backlog issues, the maintenance issues, and I thank him for the scrutiny he and his staff have given to this issue and the report they came out with. We are going to be working to address that in a manner that is constructive and long term. I want to reduce the backlogs, and we will do it."

As for the cost of additional parks, she said, "Again, this (bill) has been judged to be revenue neutral. Through its passage, we could make progress on the backlog issue."

The public lands package includes 96 individual items and covers 451 pages of the massive 1,648-page Defense bill. The measure and supporting documents can be found at these links: <http://1.usa.gov/1tErMyg>, <http://1.usa.gov/1vnaxpY>, and <http://1.usa.gov/1Aq2ETa>.

The outlook for the natural resources portion of the bill was, as always, problematic, particularly on the Senate floor where rules offer all sorts of opportunities to stop legislation. And Coburn promised to take advantage of those opportunities. But the strong 89-to-11 vote on passage indicated he had little support, perhaps because the bill was needed for the defense of the country.

This is about as far as an omnibus lands bill has gone since 2009 when President Obama signed into law the Public Land Management Act of 2009 (PL 111-11 of March 30, 2009). It included 2 million acres of wilderness, the establishment of a National Landscape Conservation System within the Bureau of Land Management, the designation of thousands of miles of wild and scenic rivers, and the designation of 10 national heritage areas at a price tag of \$103.5 million, among many other initiatives.

Jewell generally praised the legislation December 6 but took exception to a land exchange for the Arizona copper mine with Resolution Copper company. She called the provision "profoundly disappointing."

Here are summaries of some key provisions in the new public lands package:

Forest Service cabin fees: Supported by members of both political parties the popular cabin fee bill (HR 5476 by itself) would replace an existing law – the Cabin User Fee Fairness Act of 2000. That law bases fees on Forest Service appraisals set at five percent of the market value. The House Natural Resources Committee approved the bill September 18. Section 3024.

The new provision would establish 11 tiers of fees from \$650 up to \$5,650. The Senate Energy Committee approved a counterpart bill (S 1341) on Dec. 19, 2013.

Delaware park: Would designate a First State National Historical Park as the first national park unit in Delaware. The park would commemorate Delaware's role in the country's history and as the first state to ratify the constitution. Section 3033.

Rep. John Carney introduced HR 703 on Feb. 27, 2013. Sen. Thomas R. Carper (D-Del.) introduced a counterpart Senate bill (S 347) that the Senate Energy Committee reported to the floor April 22, 2013.

Manhattan Project: Would designate a Manhattan Project National Park to commemorate the development of the Atomic Bomb. Section 3039.

House Natural Resources Committee Chairman Doc Hastings (R-Wash.) moved a stand-alone bill (HR 1208) through his committee April 24, 2013.

Sen. Maria Cantwell (D-Wash.) introduced a counterpart stand-alone bill (S 507), along with senators from Tennessee and New Mexico. Their states include potential park sites.

Hatteras park plan: The Senate Energy Committee approved a bill (S 486) Sept. 10, 2013, that would strike a compromise on the future of a Cape Hatteras National Seashore management plan. That compromise is included in the omnibus lands bill. Section 3057.

The compromise would leave in place a Park Service plan, but would require a review of it. Democrats and Republicans, led by bill sponsor Sen. Richard Burr (R-N.C.), hashed out the compromise.

House Republicans had a different idea. They would straight-up reverse a Park Service plan for the national seashore that reduced beach access to off-road vehicles. The House February 6 approved the legislation (HR 819) sponsored by Rep. Walter Jones (R-N.C.) The omnibus dropped the House plan.

National heritage areas: The omnibus includes a provision that extends into 2021 a dozen existing national heritage areas (NHAs). Among the NHAs are the Delaware and Lehigh National Heritage Area, the National Coal Heritage Area, The Steel Industry Heritage Project, The Essex National Heritage Area, The America's Agricultural Heritage Partnership, The Ohio & Erie Canal National Heritage Corridor and The Hudson River Valley National Heritage Area. That's not an exclusive list. Section 3052.

The package does not include legislation (HR 445) that would establish a national policy for NHAs. Under the present system NHAs are usually established when powerful legislators attach riders to omnibus lands bills or to appropriations bills, no questions asked.

Heritage areas usually consist of a mix of public and private lands with striking social, economic, historical and natural features. NHAs don't, in their entirety, quite rise to the level of national parks. However, some NHAs do actually include national park

units within their borders.

Blackstone heritage corridor: The omnibus includes a provision that would designate a Blackstone River Valley National Historical Park in Rhode Island. Sen. Jack Reed (D-R.I.) sponsored the Senate bill (S 3773), which the Senate Energy Committee approved June 27, 2013. Rep David Cicilline (D-R.I.) introduced the House bill (HR 706), which the House Natural Resources Committee reported September 18. Section 3031.

Reed, as chairman of the House subcommittee on Interior and Related Agencies, had included the provision in a draft fiscal year 2015 appropriations bill,

Gettysburg expansion bill: The provision would add two important tracts to Gettysburg National Military Park. The proposal, which has been around for several Congresses, would add to the park the Gettysburg Railroad Station and a 45-acre tract at the south end of the battlefield that hosted cavalry battles. The 45-acre tract along Plumb Run was the site of a cavalry encounter during the battle of Big Round Top. Section 3034.

The Senate Energy Committee filed a report May 22 on this bill (S 782) sponsored by Sen. Robert P. Casey, Jr. (D-Pa.) Rep. Scott Perry (R-Pa.) introduced a counterpart House bill (HR 1513, which the House approved January 13 by a 396-to-0 margin.

Montana forests: Would establish a Rocky Mountain Front Conservation Management Area in Montana from 195,073 acres of Lewis and Clark National Forest and 13,087 acres of BLM land where the front meets the plains. Section 3065.

Former Sen. Max Baucus (D-Mont.) introduced the lead bill (S 364). Said Rep. Steve Daines (R-Mont.), "I'm proud that we're taking historic steps today to protect some of our state's greatest treasures, expand the responsible development of Montana's energy resources, and expand and protect access to our public lands for generations to come."

NPS Centennial coin: This bill (HR 627 as a stand-alone bill) was approved by the House April 29. It would authorize the Treasury Department to mint \$5 gold coins, \$1 silver coins and half-dollar coins during calendar year 2016 for the Centennial. Section 3055.

The bill would also assess a huge surcharge on each minting - \$35 for each dollar coin, \$10 for each silver coin and \$5 for each half-dollar coin. By our math if all coins were sold, the program would bring in \$13,625,000.

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