

Federal Parks & Recreation

Editor: James B. Coffin

Subscription Services: Gerrie Castaldo

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Attacks on EPA rules may delay park and rec money bill

A dispute over the Obama administration's proposed power plant rule will likely delay action on a fiscal year 2015 Interior and Related Agencies spending bill for the foreseeable future.

The die was cast June 19 when the Senate Appropriations Committee postponed consideration of a separate Energy and Water appropriations bill, for fear the power plant amendment would be approved, according to Senate Minority Leader Mitch McConnell (R-Ky.) And the Interior bill is more germane to the power plant rule than the Energy and Water bill. The Interior bill includes EPA, the author of the proposed rule.

Said McConnell of the appropriations committee inaction on the Energy and Water bill, "Senate Democratic leadership and the White House were so afraid that my pro-coal amendment would be approved by the Appropriations Committee that instead of letting us vote on it, they pulled the bill from consideration. And now, Senate Democrats on the committee have confirmed the White House threatened to veto the bill over my pro-coal amendment, . . ."

The power plant rule is not the only obstacle in front of the Interior appropriations bill. Congressional Republicans (and some Democrats) may propose a rider to block a separate EPA proposal to increase the kinds of wetlands subject to a Section 404 Clean Water Act permit. (See related article page 8.)

In addition House Republicans would have the fiscal 2015 Interior bill eat an estimated \$470 million of fiscal 2014 emergency fire fighting costs.

Finally, the bill may also have to eat more than \$400 million for the payments-in-lieu of taxes (PILT) program.

Because of those four problems - as a starter - the House and Senate Appropriations Committees have not yet become serious about addressing an Interior and Related Agencies appropriations bill. Those proposals also raise the distinct possibility that fiscal 2015 park and rec appropriations will not come from a regular appropriations bill but from a continuing resolution that extends fiscal 2014 spending levels.

Other outdoor-related appropriations bills are at various stages in the House and Senate. As we mentioned a Senate *Energy and Water* bill is stuck in the Senate Appropriations Committee. The House Appropriations Committee approved a counterpart bill (HR 4923) June 17.

The House approved a *Transportation* appropriations bill (HR 4745) June 10 that is noteworthy for barring the use of regional project money for recreation and trails. The Senate Appropriations Committee approved its bill (S 2438) June 5; it would not prevent the use of regional project money on recreation and trails.

The House Appropriations Committee approved an *agriculture* money bill (HR 4800) June 4. The measure would supply money for farming-related conservation programs. The Senate Agriculture Committee approved a counterpart bill (S 2389) May 22.

The Senate Appropriations Committee on May 22 and the House Appropriations Committee on May 8 did adopt similar spending caps for the Interior money bill, around \$30 billion, about the same as the fiscal 2014 spending cap. But the repayment of \$470 million in fire money and the inclusion of the \$400 million in PILT money would lop almost \$900 million off the top.

"PILT and fire money continue to be a significant concern," said Alan Rowsome, a budget specialist for The Wilderness Society. "The House

appropriations bill will probably not address the fire fix and the Senate appropriators have assumed it would. It will take some political work if one House doesn't have it in."

Rowsome, his fellow conservationists and local government officials hope that Congress will pay for PILT from a jumbo lands/conservation bill. Senate Finance Committee Chairman Ron Wyden (D-Ore.) has been working on such a package that would include multi-year money for PILT, for the Secure Rural Schools county assistance program and for the Land and Water Conservation Fund. Offshore oil and gas revenues could be the source of the money to pay for the three programs.

Senate leaders have not decided how or when they would try to advance such legislation. But a popular tax break extension bill and a multi-year surface transportation bill are possibilities.

For now appropriators are stymied by the following:

Power plant rule: EPA proposed June 2 an ambitious plan to reduce carbon emissions from existing power plants, a plan that the National Parks Conservation Association says would be a boon to the national parks. But the mining industry says the plan would place an unacceptable economic burden on society.

On June 3 McConnell introduced a bill (S 2414) to prohibit any new power plant regulations. On June 2 Rep. Pete Olson (R-Texas) introduced a similar bill (HR 4799) in the House. Although some Democrats have criticized the EPA proposal none cosponsored the bills.

When the Energy and Water appropriations bill reached the Senate Appropriations Committee June 19 the McConnell bill was readied in the form of a rider. Because a handful of coal country Democrats also oppose the proposal, appropriations committee Democratic leaders feared the amendment would succeed, and canceled the session.

Fire-fighting costs: On May 1

the Forest Service and the Interior Department said they anticipate spending \$470 million more on fire fighting this fiscal year 2014 than Congress has appropriated.

And that money would have to be paid back in a fiscal 2015 appropriations bill, leaving a huge hole that would have to be made up from allocations to other purposes.

On June 9 the Department of Agriculture detailed the state-by-state reductions in spending over the last two fiscal years for fire prevention and other purposes, upping the pressure on Congress.

Thus far House Republicans have resisted a proposal to pay for emergency fires from disaster accounts outside of appropriations bills. The Republicans dealt the proposal an initial setback April 10 by approving a fiscal 2015 Congressional budget (H Con Res 96) that rejects disaster funding. The Republicans argue that fire-fighting expenses should be paid out of regular appropriations because Congress could lose control if they were paid with disaster funds.

Then on May 8 the House Appropriations Committee established a fiscal 2015 spending cap for an Interior Department and Related Agencies appropriations bill without excluding emergency fire spending.

Bipartisan bills to establish the emergency accounts have been introduced in the Senate and the House (S 1875, HR 3992). Sen. Ron Wyden (D-Ore.) is the chief sponsor of S 1875 (with 23 cosponsors). Rep. Michael Simpson (R-Idaho) is the chief sponsor of HR 3992 (with 76 cosponsors).

Wyden and 13 other senators wrote Senate leaders June 26 asking for floor action on the legislation. Said Sen. Mike Crapo (R-Idaho), "Fire season is underway in the West, and the Senate must act immediately on this legislation. Pass it or pair it with other legislation. We could see yet another disaster year for catastrophic fires. This issue is certainly deserving

of expedited action on the Senate floor."

The senators sent the letter to Senate Majority Leader Harry Reid (D-Nev.) and Senate Minority Leader Mitch McConnell (R-Ky.)

PILT appropriation: In fiscal 2014 Congress paid for PILT from a Farm Bill, so that money is not in the Interior spending bill's baseline. If the subcommittee were to use appropriations money for PILT in fiscal 2015, it would require new money from the hide of other programs.

Wetlands permit rider: A handful of Democrats have joined Republicans in opposition to a proposed May 29 rule. EPA and the Corps of Engineers in their proposal said that the rule would go beyond the existing regulation that only requires a Section 404 Clean Water Act permit for navigable waters. The new proposal would also require permits for seasonal streams, wetlands near navigable waters and other waters.

Sen. John Hoeven (R-N.D.) has said he would offer an amendment to block the rule in committee. On June 17 the House Appropriations Committee approved a counterpart spending bill with the rider in it. Separately, 28 Republican senators introduced legislation (S 2496) June 19 that would block the rule.

The numbers: Here are some of the administration's fiscal 2015 budget recommendations compared to fiscal 2014 appropriations (PL 113-76 of January 17):

LWCF FEDERAL: For federal land acquisition the administration recommended \$187 compared to a final fiscal 2014 appropriation of \$167.4 million. The breakdown: NPS acquisition, \$56 million (2014=\$43.5 million); BLM, \$25 million (2014=\$19.5 million); FWS, \$55 million (2014=\$54.4 million); and FS, \$51 million (2014=\$43.5 million).

We have not included proposed land acquisitions from LWCF financed by a new guaranteed fund because that is speculative.

LWCF STATE: For state LWCF grants the administration recommended \$48 million, the same as a fiscal 2014 appropriation of \$48 million.

We have not included proposed increases in state grants financed by a new guaranteed fund because that is speculative.

STATE WILDLIFE GRANTS: For wildlife grants the administration recommended \$50 million, down by \$8.7 million in a fiscal 2014 appropriation of \$58.7 million.

URBAN PARKS AND RECREATION RECOVERY: For urban parks the administration recommended \$25 million compared to no appropriation in fiscal 2014.

NPS OPERATIONS: For operation of the Park Service the administration recommended \$2.284 billion compared to \$2.237 billion in fiscal 2014. That includes only a small fraction of the new Centennial appropriations.

HISTORIC PRESERVATION: For the National Historic Preservation program the administration recommended \$56.4 million, the same as a fiscal 2014 appropriation.

NPS CONSTRUCTION: For NPS construction the administration recommended \$138.4 million compared to a fiscal 2014 appropriation of \$137.5 million. Again, that does not include new Centennial money.

NPS REC AND PRES: For NPS recreation and preservation the administration recommended \$52 million compared to a fiscal 2014 appropriation of \$61 million.

NPS HERITAGE AREAS: For National Heritage Areas the administration recommended \$8.2 million compared to a fiscal 2014 appropriation of \$18.3 million.

BLM LAND AND RESOURCES: For management of BLM lands the administration recommended \$954 million compared to a fiscal 2014 appropriation of \$957 million.

BLM RECREATION: For BLM recreation the administration recommended \$68.5 million compared to a fiscal 2014 appropriation of \$66.9 million.

FOREST SERVICE: For the National Forest System the administration recommended \$1.640 billion compared to \$1.496 billion in fiscal 2014.

FWS OPERATIONS: For operation of the Fish and Wildlife Service the administration recommended \$1.260 billion compared to a fiscal 2014 appropriation of \$1.188 billion.

WILDLIFE REFUGE SYSTEM: For management of the National Wildlife Refuge System the administration recommended \$476.4 million compared to a fiscal 2014 appropriation of \$472 million.

FIRE FIGHTING: For the Forest Service the administration proposes \$2.265 billion for regular wildfire programs, compared to a fiscal 2014 appropriation of \$2.162 billion. The administration would eliminate an emergency fire fighting account called FLAME that put up \$315 million in fiscal 2014. Instead the budget would pay for emergency fires above a baseline outside of regular appropriations and through a disaster account.

For the Interior Department the administration proposes \$794 million in regular wildfire programs compared to \$741 million in fiscal 2014. It would also eliminate \$92 million from FLAME for emergency fire fighting and replace it with the disaster account.

GOP senators oppose LWCF money for Forest Service

As appropriations season approaches, seven Republican senators June 26 called for zeroing out Land and Water Conservation (LWCF) funding for the Forest Service in fiscal year 2015.

Instead, the senators, led by Sen. John Thune (R-S.D.), said the Senate subcommittee on Interior appropriations should put all available money into operations. The senators are

particularly concerned about obtaining money to cope with the invasion of the bark beetle and to fight fires.

"In order to adequately address the bark beetle and wildfire devastation as well as other management needs, Congress should ensure that the Forest Service prioritize limited resources to adequately manage the lands for which it is currently responsible, rather (than) continue to acquire additional property," they wrote to subcommittee chairman Jack Reed (D-R.I.) and ranking minority member Lisa Murkowski (R-Alaska).

The seven senators also put in a pitch for timber sales. "Timber harvests are a proven successful management tool that increase forest health, contribute \$2.7 billion to the economy, and provide 16.5 jobs for every million board feet harvested," they said.

While seven senators sounds like a lot, 51 other senators who support LWCF wrote Reed and Murkowski earlier this spring in support of LWCF. Led by Sens. Patrick Leahy (D-Vt.) and Richard Burr (R-N.C.) the bipartisan LWCF advocates said, "The entire suite of LWCF programs protect natural resource lands, outdoor recreation opportunities and working forests at the local, state and federal levels, ensuring that critical wildlife habitat, hunting and fishing access, state and local parks, Civil War battlefields, productive forests and other important lands are protected for current and future generations."

They added, "As you begin the process of drafting your FY 2015 bill, we respectfully request much needed funding for these critical programs, particularly as LWCF is celebrating its 50th anniversary in 2015. We ask that you include a strong investment in LWCF and Forest Legacy that will support public land conservation and ensure access to the outdoors for all Americans."

LWCF critics would probably do better to concentrate their fire on the House, where the Republican-controlled body has consistently found

fault with LWCF. For example the House subcommittee on Interior appropriations approved no money for LWCF in fiscal 2014.

In another example the House April 10 passed a Congressional budget that calls on appropriators to "focus on eliminating the maintenance backlog before moving to acquire additional lands." Further, the House-passed budget (H Con Res 96) would have authorizing committees consider disposing of existing federal land, rather than acquire more property. The budget says the House "supports examining federal land to see where cost savings can be achieved by selling unneeded acreage in the open market."

Among federal land management agencies the Forest Service faces a special budget crisis this year because of the billions of dollars required to fight forest fires.

The Obama administration's fiscal 2015 budget request recommends \$51 million in LWCF acquisitions for the Forest Service, compared to \$43.5 million in fiscal 2014.

That's dwarfed by the agency's fire budget. For the service in fiscal 2015 the administration proposes an appropriation of \$2.265 billion for regular wildfire programs, compared to a fiscal 2014 appropriation of \$2.162 billion. The administration would eliminate an emergency fire fighting account called FLAME that put up \$315 million in fiscal 2014. Instead the budget would pay for emergency fires above a baseline outside of regular appropriations through a new disaster account.

LWCF is scheduled to expire at the end of fiscal 2015 after a 50-year run. The Obama administration has for the last two fiscal years recommended that Congress guarantee LWCF \$900 million per year in perpetuity, drawing on new levies on the energy industry. For fiscal 2015 the administration requested \$187 million in regular appropriations for federal land acquisition and \$48 million for state grants from the fund.

Former Sen. Max Baucus (D-Mont.) introduced legislation (S 338) last year that would also extend LWCF at \$900 million per year in *guaranteed* money. Senate Finance Committee Chairman Ron Wyden (D-Ore.) is reportedly considering a package of legislation that would reauthorize LWCF in combination with reauthorizing county assistance programs such as Secure Rural Schools and payments-in-lieu of taxes.

Toomey takes aim at rec and trail MAP-21 projects

Sen. Pat Toomey (R-Pa.) mounted a campaign June 26 to eliminate money for the Transportation Alternatives Program (TAP). If successful, that would deal a major blow to park and rec projects.

Toomey offered an amendment in the Senate Finance Committee that would forbid any Highway Trust Fund money from being used for TAP, which allocates more than \$700 million per year to recreation programs. The committee was considering - but did not complete action on - legislation to raise \$9 billion for the extension of the existing highway law through December.

"It is hard to support looking for additional revenues from the American people if we're not doing something about the unnecessary spending that is imbedded (in the existing surface transportation law)," said Toomey of his proposed amendment to eliminate TAP. "In 2014 TAP authorized \$820 million and over ten years well over \$8 billion, and this is for items like bike paths, trails, beautification projects."

"I think that we need to prioritize. And some of these items - in fact all of these items - are entirely in favor in any state or locality and they are free to spend the money if they want to beautify a highway or add bike trails or any other amenities they might support," said Toomey.

Conservation groups such as the Rails-to-Trails Conservancy are up in arms. In a bulletin to its members the conservancy said, "TAP is the

nation's largest source of funding to help communities build and improve bike lanes, sidewalks, trails and pathways. Cost-effective programs under TAP, like the Recreational Trails Program and the Safe Routes to School program, help people safely get to school, work or downtown and connect with their community."

As such, TAP projects do add new sources of transportation. "They provide transportation options for those who can't - or choose not to - drive a car," said the conservancy June 25. "They also give us the chance to get out and enjoy the outdoors."

The Senate Finance Committee is right now trying to find enough money to keep the existing surface transportation law Moving Ahead for Progress in the 21st Century (PL 112-141 of July 6), or MAP-21, alive through December 31. The law is to formally expire on October 1 but the Highway Trust Fund that pays the bills will run out of money this summer. The extension would give Congress time to write a multi-year surface transportation bill. *See following article.)*

The Senate Environment and Public Works (EPW) Committee approved an authorizing bill (S 2322) May 15 that would extend MAP-21 for two years. But EPW doesn't control the money. The Senate Finance Committee does. So, finance committee chairman Ron Wyden (D-Ore.) and ranking committee Republican Orrin Hatch (R-Utah) have begun searching for money to pay for MAP-21 through December. That presumably would give Congress time to approve a multi-year bill in a lame-duck session after the November 4 elections.

S 2322 would extend the overarching Transportation Alternatives Program that feeds specific outdoor programs with money, to wit Recreational Trails, Transportation Enhancements, Scenic Byways, Safe Routes to School.

The Senate Finance Committee is expected to resume work on its temporary-spending bill next week. At that time the committee could vote on the Toomey amendment.

Transportation spending for recreation and trails is also under assault in the House. On June 10 the House approved a fiscal year 2015 appropriations bill (HR 4745) that would bar the use of regional grant money called TIGER for recreation and trails projects. Although rec and trails money was dropped from TIGER by the House, several members pointed out the economic value of trails and other recreation projects.

Said Rep. Earl Blumenauer (D-Ore.), "The irony is that the resources that are used for bike and pedestrian programs actually create more jobs than simply road construction. Talk to people around the country, as I have, about the ability to invest in making their children safer for cycling and pedestrian. It is not incidental. It is not something that should be just simply brushed aside."

In his attacks on transportation alternatives Toomey singled out for criticism an \$180,000 grant for a National Corvette Museum in Bowling Green, Ky., the home state of Senate Minority Leader Mitch McConnell (R). Incidentally, McConnell is Toomey's putative boss.

"Now I'm sure that the National Corvette Museum is a very nice place to visit but I am not sure it should be a priority of federal transportation funding," said Toomey.

The Toomey amendment is succinct. It says in its entirety: *"No funds distributed from the Highway Trust Fund established in Title 26, Sec. 9503 of the United States Code may be spent for the purpose of operating the Federal Transportation Alternatives Program."*

Senators trying to assemble temporary fix for MAP-21

The Senate Finance Committee June 26 attempted to patch together enough funding to keep the federal surface transportation program going through December 31, but immediately fell into partisan squabbling.

The committee under chairman Ron Wyden (D-Ore.) and ranking committee Republican Orrin Hatch (R-Utah) is expected to try again next week when Congress returns from a Fourth of July holiday.

Before the committee last week was a Wyden proposal to use a crackdown on tax evaders to produce an additional \$9 billion for surface transportation programs. The \$9 billion would supplement revenues from gasoline taxes paid into the Highway Trust Fund. However, the Republican members complained the Wyden provisions sound too much like new taxes.

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being used for TAP, which allocates more than \$700 million per year to recreation programs. No vote has been taken yet on the Toomey amendment. (See *previous article*.)

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The House Transportation Committee under chairman Rep. Bill Shuster (R-Pa.) has done little this year about a multi-year surface transportation bill. However, on May 30 House Republican leaders offered a new fund raising proposal - elimination of Saturday postal delivery, with the savings passed on to highway programs. Speaker of the House John Boehner (R-Ohio), House Majority Leader Eric Cantor (R-Va.) and Majority Whip Kevin McCarthy (R-Calif.) said the proposal was "the best way to ensure continued funding of highway projects in a fiscally responsible manner" in a memo to Republican members.

The leaders estimated the proposal would produce \$14 billion to \$15 billion, to make up one year's Highway Trust Fund deficit.

Back-up materials including Wyden's proposal and Toomey's amendment are available at: <http://www.finance.senate.gov/hearings/hearing/?id=0c30732e-5056-a032-5227-f9928e933c39>.

Senate Republicans may try to block wetlands rule

The Senate Appropriations Committee is expected to resume a fight next week over a proposed Obama administration rule on waters that should be subject to Section 404 wetland permits.

Sen. John Hoeven (R-N.D.) has said he would offer an amendment in committee during consideration of a fiscal year 2015 Energy and Water Appropriations bill that would block the proposed rule. The committee cancelled a scheduled June 19 mark-up of the bill because of a dispute over a separate proposed EPA rule dealing with power plants.

On June 17 the House Appropriations Committee approved a counterpart Energy and Water spending bill (HR 4923) with the rider barring a wetland rule in it.

Separately, 30 Republican senators introduced stand-alone legislation (S 2496) June 19 that would block the wetland rule. Said lead sponsor Sen. John Barrasso (R-Wyo.), "The Obama EPA is trying every scheme they can think of to take control of all water in the United States. This time, their unprecedented federal water grab is in the form of a rule that will hurt family farms, ranches, and small businesses by imposing outrageous permitting fees and compliance costs."

Republican and Democratic legislators alike have criticized the June 2 administration proposal that would expand the definition of navigable water requiring a permit for seasonal streams, wetlands near navigable waters and other waters.

But sportsmen led by the Theodore Roosevelt Conservation Partnership held a press conference June 18 to mount support for the EPA proposal. The groups said, "Undermining the clean water rule, which currently is open to public comment, would negatively impact the nation's hunting and fishing economy, which generates \$200 billion in economic activity and 1.5 million jobs each year."

Environmentalists also support the rule. For instance the Natural Resources Defense Council (NRDC) said June 25 the rule could help prevent waste from polluting beaches.

"Small streams and wetlands are as close to us as a dip at your favorite beach or the tap in your kitchen," said

Steve Fleischli, director of the Water Program at NRDC. "Standing behind EPA's Clean Water Protection Rule will ensure our families have pristine, unpolluted water to enjoy for generations to come. The rule deserves our support."

The Supreme Court was evenly divided in a June 19, 2006, decision, *Rapanos v. U.S.* Nos. 04-1034 and 04-1384, which muddied the regulatory waters. On the one hand the court did uphold the authority of the Corps and EPA to regulate water bodies. But crucially it also limited the definition of a water body to navigable waters without clearly defining navigable waters.

The Bush administration relied on the court decision to limit permitting to navigable bodies. The Obama proposal would expand that.

EPA and the Corps of Engineers in their proposal said that the rule should go beyond the existing regulation that only requires a Section 404 Clean Water Act permit for navigable waters.

Disputes over the Obama administration's proposed wetland rule and a proposed power plant regulation may delay action on a fiscal year 2015 Interior and Related Agencies spending bill for the foreseeable future. (See *related article page one.*)

The wetlands rule would be even more germane to the Interior bill because that measure appropriates money for EPA, the author of both the wetland and power plant rules.

The die was cast on the power plant rule June 19 when the Senate Appropriations Committee postponed consideration of the Energy and Water appropriations bill, according to Senate Minority Leader Mitch McConnell (R-Ky.) for fear the committee would vote to block the rule.

Report: Water to Everglades core should be top priority

The National Research Council said last week that a crucial element

of the Everglades restoration project - increased clean water flow to the ecosystem's core - is falling dangerously behind schedule.

Unless Congress, federal agencies and the State of Florida step up with a major commitment to restoring the core, "redistribution of existing water may not be feasible until 2035 or beyond," said the council in a new report. Given the lengthy delays in implementing the overall Comprehensive Everglades Restoration Plan (CERP), authorized by Congress in 2000, "beyond" is a good bet.

Further, said the council in a 350-page report written under the leadership of Jeffrey R. Walters, a professor at Virginia Tech University, construction on the restoration project at \$100 million per year won't be completed for four decades.

CERP, as authorized by a 2000 Water Resources Development Act (WRDA), was expected to cost \$7.8 billion and take 30 years to complete. That deadline has stretched out significantly and, as the National Research Council said, completion may be decades away.

The National Research Council did praise an attempt by the state and federal agencies to prioritize CERP tasks in an initiative called the Central Everglades Planning Process (CEPP). (Note the similarities between the acronyms CERP and CEPP.) The parties published a draft CEPP report in August 2013 and anticipate completing it this summer.

Said the council, "The proposed (CEPP) plan seems reasonable and thoughtfully developed with substantial stakeholder input. Implementation of the plan would provide significant benefits to the remnant Everglades ecosystem, including more than 200,000-acre feet per year of new water flow to the central Everglades, . . ."

However, CEPP was not completed in time to make it into a new Water Resources Development Act (PL 113-121) signed into law June 10. That measure included four new CERP projects that are

expected to cost \$1.9 billion.

The National Research Council fits into the Everglades picture because Congress in the 2000 law directed it to write biennial progress reports. The report published June 27 is the fifth and was put together by the council's Water and Science Technology Board, Board on Earth Sciences and Resources.

The council summed up in a press release, "(R)estoration progress to date has been modest and focused along the edges of the ecosystem. The Central Everglades Planning Project, initiated in October 2011, recommends a suite of projects that would provide substantial new water flow to the central Everglades, equivalent to approximately two-thirds of the new water envisioned in CERP."

The report said that CERP has been delayed over the last two years by the lack of a new Water Resources Development Act (until June 10), the lack of funding and cost-sharing disagreements among the parties.

While the implementation of CERP has lagged, climate change poses an increasingly serious threat to the Everglades, said the council. "The impacts of changing climate - especially sea-level rise - add urgency to restoration efforts to make the Everglades more resilient to changing conditions," the report said.

The June 10 WRDA authorized the following four CERP projects. However, appropriators and the State of Florida still must pony up money to pay for them:

- * Caloosahatchee River West Basin Storage Reservoir, \$626.6 million (\$313 million federal, \$313 million state),

- * Biscayne Bay coastal wetland, \$192 million (\$96 million each),

- * Broward County water preserve area, \$896 million (\$448 million each), and

- * C-111 Spreader Canal, \$175 million (\$87.5 million each).

The National Research Council report, *Progress Toward Restoring the Everglades*, is available at: http://www.nap.edu/catalog.php?record_id=18809.

Beach pollution report picks winners and a loser (Ohio)

In its annual report on the health of the nation's beaches the Natural Resources Defense Council (NRDC) said June 25 that 10 percent of those beaches failed water safety tests in 2013.

It is difficult to determine if the beach failure rate was worse than the seven percent in 2012 and eight percent in 2011 because NRDC applied a new Beach Action Value test in 2013. In 2012 and 2011 NRDC used a clean water standard.

One thing was clear - there are chronic dirty states and chronic clean states. For example NRDC found that Ohio was the worst in 2013 with a whopping 35 percent failure rate. Alaska was second worst at 24 percent. And of the 17 dirtiest beaches seven were in Ohio.

On the other side of the ledger Delaware, New Hampshire and New Jersey were best with a three percent failure rate. And of the 35 cleanest beaches one was in Delaware (Dewey Beach), three were in New Hampshire and seven were in New Jersey.

For its annual report, *Testing the Waters: A Guide to Water Quality at Vacation Beaches*, NRDC reviewed test results from EPA and state coordinators at 3,500 beaches around the country. The report is available at: <http://www.nrdc.org/water/oceans/ttw/default.asp>.

NRDC said the pollutants can cause serious health problems. "Beach water pollution nationwide causes a range of waterborne illnesses in swimmers including stomach flu, skin rashes, pinkeye, ear, nose and throat problems, dysentery, hepatitis, respiratory ailments, neurological disorders, and other serious health problems," said the council in a press release.

Two main causes of the pollution

are sewage and contaminated runoff. And NRDC said its top priority for reducing them is enactment of a wetland permit rule proposed by EPA and the Corps of Engineers June 2. That rule would expand the definition of navigable water requiring a Section 404 permit to seasonal streams, wetlands near navigable waters and other waters. (See related article page 8.)

Republican and Democratic legislators alike have criticized the June 2 administration proposal. The House Appropriations Committee approved an Energy and Water spending bill (HR 4923) June 17 that would block the rule. And the Senate Appropriations Committee may be faced with a similar amendment to its Energy and Water money bill later this month.

But Steve Fleischli, director of the Water Program at NRDC, said the wetland regulation called the Clean Water Protection Rule is necessary to protect the nation's beaches.

"Small streams and wetlands are as close to us as a dip at your favorite beach or the tap in your kitchen," he said. "Standing behind EPA's Clean Water Protection Rule will ensure our families have pristine, unpolluted water to enjoy for generations to come. The rule deserves our support."

The Beaches Environmental Assessment and Coastal Health Act directs states to regularly test coastal waters and beaches for bacteria. When those tests show contamination that threatens human health the states close beaches.

Bipartisan bill would speed exchanges with state lands

A leading House Republican joined with a leading House Democrat June 19 to introduce legislation (HR 4901) that would help states transfer inholdings within conservation areas to the federal government.

In return the states would obtain public lands of equal value that the states could put to work making money

for local schools. Strongly backed by western governors, the sponsors said as many as 2 million acres of state land are trapped within conservation areas and can't be developed. Federal conservation systems include lands managed by Interior Department agencies as well as the Forest Service.

Lead bill sponsor Rep. Rob Bishop (R-Utah) put the situation this way: "Among the unintended consequences of previous federal conservation designations are the limitations placed on school trust lands trapped within those areas. Right now it is difficult, if not impossible, to utilize millions of acres intended to support public schools." Bishop chairs the House subcommittee on Public Lands.

His Democratic cosponsor, ranking House Natural Resources Committee minority member Peter DeFazio (D-Ore.), said the legislation would help all sides. "This bipartisan legislation is a win for those in the conservation community that want to protect our lands, and it's a win for Western states, the federal government, and taxpayers because it consolidates a fractured land base," he said.

Under existing law - the Federal Land Policy and Management Act (FLPMA) - a proposed exchange of land between the feds and any entity must undergo a long and difficult process.

HR 4901, again applying only to inholdings within conservation lands, would expedite the process by authorizing a "summary appraisal" for land with a market value of less than \$300 per acre.

Under HR 4901 any one of 13 western states could transfer to the federal government land grant parcels within conservation areas and select "unappropriated" public lands in exchange. Valid existing rights would be honored by both parties.

The provision would apply to the 11 western states plus North Dakota and South Dakota.

The bill would authorize exchanges

of state lands within national parks, national monuments, national conservation areas, national grasslands, wilderness areas, wilderness study areas and national wildlife refuges.

If HR 4901 were enacted, exchanges of public lands in non-conservation areas would continue to be governed by FLPMA.

The Western Governors Association in a June 19 letter to Bishop complained of the existing situation involving state lands thusly, "The burdensomeness and complexity of federal land exchange processes often prevent the completion of sensible and mutually beneficial exchanges, even on a government-to-government basis. Consequently, state lands remain locked in federal conservation areas, and states are deprived the economic benefit of land grants that were made to fund education and other purposes."

But, said the governors, led by Colorado Gov. John Hickenlooper (D), chairman of the association, and Nevada Gov. Brian Sandoval (R), vice chairman, "We believe that your bill, which provides a process for states to relinquish lands within federal conservation areas and select unappropriated lands of equal value, represents a strong step toward reform of the federal land exchange process."

The Wilderness Society also praised the legislation. Said Paul Spitler, director of wilderness campaigns for The Wilderness Society, "This legislation will help preserve America's parks and wilderness while providing states with new sources of revenue for schools. It's a classic 'win-win.' We applaud Chairman Bishop and Ranking Member DeFazio for their efforts, and hope the Congress will speedily approve this important bill."

Richmond slave market ruins one of new endangered sites

The deteriorating remains of one of the nation's largest slave-trading sites - Shockoe Bottom in Richmond, Va. - made this year's list of the country's

most endangered places.

Richmond Mayor Dwight C. Jones (D), himself African-American, has proposed the construction of a minor league ballpark, a hotel, a grocery store and other development above the ruins. Shockoe Bottom lies just east of downtown Richmond, blocks from the state capitol.

Jones's proposal does include a pavilion overlooking a part of the ruins called Lumpkin's Jail, and a commemoration of the site.

But, said Stephanie Meeks, president of the National Trust for Historic Preservation, "We need to identify a path forward for Shockoe Bottom, including meaningful public involvement and expert archeological analysis so that the historical remnants of the slave trade now buried there can be revealed and properly interpreted."

The trust unveiled a list of the 11 most endangered places June 23. In addition to Shockoe Bottom it includes two sites in Cincinnati, Ohio, (a Union railroad terminal and a Music Hall), as well as places from the east coast to the west coast.

The trust has listed more than 250 sites on its endangered lists over the last 27 years and has successfully led the preservation of most of them. However, the trust acknowledged some defeats, such as the destruction or disintegration of the Prentice Women's Hospital in Chicago and the Pan Am Worldport Terminal in New York's JFK Airport.

Preserving Shockoe Bottom could pose a severe challenge. Revitalize RVA (short for Richmond, Va.), backed by the city's business community, has proposed the development in Shockoe Bottom, an emerging community with spotty new commercial enterprises in both old and new buildings. The bottom is adjacent to the James River.

From 1835 until 1865 Shockoe Bottom was the center of a slave trade that sold more than 350,000 people. Jails, auction houses and businesses

made up the area. Among the buildings was Goodwin's Jail, on which the movie *12 Years a Slave* was based. That movie told the story of Solomon Northrup's years there as a slave.

The other eight endangered sites are:

Battle Mountain Sanitarium, South Dakota,
 Bay Harbor's East Island, Florida,
 Chattanooga State Office Building, Tennessee,
 Frank Lloyd Wright's Spring House, Florida,
 Historic Wintersburg, California,
 Mokuaukaia Church, Hawaii,
 Palladium Building, Missouri,
 The Palisades, New Jersey, and
 Watch Status: Federal Historic Tax Credit, United States.

Notes

NPS: Climate parks' top challenge.

The Park Service published a new report July 2 that details the dangers climate change poses to the National Park System. NPS Director Jonathan B. Jarvis said the changes wrought from climate change are one of the greatest threats to the parks, ever. "This report shows that climate change continues to be the most far-reaching and consequential challenge ever faced by our national parks," said Jarvis. "Our national parks can serve as places where we can monitor and document ecosystem change without many of the stressors that are found on other public lands." The report, *Climate Exposure of US National Parks in a New Era of Change*, compares climate data of the last 10-to-30 years with data from 1901-to-2012 in 289 parks. NPS scientists William B. Monahan and Nicholas A. Fisichelli conducted the analyses. A copy of the article is available at <http://dx.plos.org/10.1371/journal.pone.0101302>.

Poverty Point a world site.

Poverty Point State Historical Site in Louisiana June 23 became the 22nd World Heritage Site in the United States, taking its place alongside Yellowstone National Park and Mesa Verde National Park. Louisiana politicians had feared the United Nations Educational,

Scientific and Cultural Organization (UNESCO) would not approve the designation because the United States has not paid its dues. But UNESCO kept its word that sites are to be designated on merit. Poverty Point contains 3,500 year-old earthworks believed to be the largest hunter-gatherer settlement that ever existed. Said Acting Assistant Secretary of the Interior for Fish and Wildlife and Parks Rachel Jacobson, "Sen. Landrieu raised global awareness of Poverty Point and its Outstanding Universal Value, the hallmark for inscription as a World Heritage site. The Committee members agreed that Poverty Point deserves to be recognized alongside Stonehenge, the pyramids of Egypt and other great archaeological sites." Before the approval of the site Senate Energy Committee Chair Mary Landrieu (D-La.) said, "Paying our dues to the World Heritage Program will ensure that Poverty Point is evaluated on its historical significance and potential to bring jobs to northeastern Louisiana." The United States stopped paying its \$77 million per year in dues to UNESCO because of an international dispute about membership for the Palestine Authority.

NPS bars unmanned aircraft. The Park Service last month prohibited the flying of unmanned aircraft within the National Park System. NPS said unmanned aircraft in several instances have interrupted the quiet in the parks recently, disturbing both people and wildlife. NPS cited recent incidents in Mount Rushmore National Memorial, Grand Canyon National Park and Zion National Park. NPS Director Jon Jarvis said the ban will serve as policy until the agency develops permanent regulations. "We embrace many activities in national parks because they enhance visitor experiences with the iconic natural, historic and cultural landscapes in our care," Jarvis said. "However, we have serious concerns about the negative impact that flying unmanned aircraft is having in parks, so we are prohibiting their use until we can determine the most appropriate policy that will protect park resources and provide all visitors with a rich experience." The policy memo tells park superintendents

to use existing regulatory authorities to prohibit unmanned aircraft.

DoI designates two water trails.

Interior Department officials designated two new Water Trails June 24 - a Black Canyon Water Trail in Nevada and Arizona and a Kitsap Peninsula Water Trail in Washington State. The department has now designated 14 water trails in the country. The Water Trails System encourages water-based recreation use. The Water Trails System is not to be confused with a National Blueways System established under former Secretary of Interior Ken Salazar. It met with such ferocious opposition from Republican politicians that current Secretary of Interior Sally Jewell pulled the plug on it on July 17, 2013. The Republicans complained that candidate blueways - large expanses of water and nearby lands - were identified without local input and without an assessment of the impact on local water rights. Only one blueway actually came to fruition - a Connecticut River and Watershed National Blueway in New England. Jewell and NPS Director Jon Jarvis jointly announced the two new water trails. The Black Canyon Water Trail extends along 30 miles of the Colorado River within Lake Mead National Recreation Area. The Kitsap Peninsula Water Trail follows along Puget Sound for 371 miles.

Wildlife refuge money asked.

Wildlife refuge supporters June 24 made a pitch for increased funding for fiscal year 2015 in the annual competition among conservationists for scarce appropriations assistance. The refuge supporters note in a new report (1) an increase in refuge needs but (2) a decrease in refuge appropriations. The Cooperative Alliance for Refuge Enhancement (CARE) said the 150 million-acre refuge system needs more than \$900 million per year for operations and maintenance but barely gets half that amount now. "Our wildlife refuges are critical to wildlife conservation and the recovery of endangered species in this country," said Jamie Rappaport Clark, president of Defenders of Wildlife and former director of the U.S. Fish and Wildlife Service. "But due to budget shortfalls, we are increasingly seeing refuges close their doors to

the public and scale back habitat restoration programs. We need to build a better legacy for future generations, one of valuing and supporting our natural heritage."

Fishermen fight marine memorial.

The Western Pacific Regional Fishery Management Council said June 30 that it opposes President Obama's June 17 expansion of an existing 87,000 square-mile Pacific Remote Islands Marine National Monument by almost ten times to 782,000 square miles. The ocean monument is adjacent to seven islands and atolls controlled by the United States. The council said its members "have determined that it would provide no added conservation benefit to marine resources, but will economically harm the area's fishermen and those reliant on Pacific marine resources." They added, "Expanding the monument will sever local fishermen's access to these resources and in turn strain the island communities that depend on the Pacific for their livelihoods." When President Bush designated a Papahānaumokuākea Marine National Monument in 2006 it was considered by many conservationists as the high-water environmental mark of his presidency. The Bush monument protects a 1,200-mile long string of islands and adjacent waters. It is jointly managed by the National Oceanographic and Atmospheric Administration, the U.S. Fish and Wildlife Service, and the State of Hawaii. The Obama expansion complements that designation of lands bordered by the Hawaiian Islands on the east, Australia on the southwest, and the Marianas Islands on the west.

Sen. Walsh opposes land sales.

It's probably a remote problem but Sen. John Walsh (D-Mont.) took action June 24 to head off the sale of vast tracts of public lands. Walsh objects to a provision in a House-passed budget (H Con Res 96) that opens up the possibility of such disposals. The House budget says it "supports examining federal land to see where cost savings can be achieved by selling unneeded acreage in the open market." Note our emphasis on unneeded. To counter the possibility of such sales Walsh introduced a point of order in the Senate (S Res 483) that says the Senate

will not consider any such provision. Said Walsh, "What this really means is handing over our most popular recreation areas to the highest out-of-state bidder, creating the next copper barons and trophy homes. This theory is as radical as it is wrong, as court rulings have repeatedly found, but it is getting real traction." He said of the House budget, "Our colleagues in the House of Representatives have passed a budget that could sell off millions of acres of public land — our land — in Montana."

Boxscore of Legislation

Appropriations fiscal 2015

No bill yet. House and Senate appropriations have set strict spending caps. President Obama submitted a budget request to Congress March 4 that would in general increase natural resources spending. For NPS Centennial Obama proposes more than \$600 million in increases.

Congressional Budget Fiscal 2015

H Con Res 96 (Ryan). House approved April 10. Would stick with December budget agreement. Opposes LWCF guarantee. Opposes emergency fire-fighting account.

Appropriations fiscal 2014 (All agencies)

HR 3547 (Lamar Smith). President Obama signed into law January 17 as PL 113-76. Law appropriates modest across-the-board increases for park and rec programs.

Federal land recreation fees

No bill yet (Bishop). Bishop draft now circulating that would continue entrance fees, user fees and passes. Obama budget asks Congress to approve permanent law.

Land and Water Conservation Fund

S 338 (Baucus), HR 2727 (McKinley). Baucus introduced Feb. 14, 2013. McKinley introduced July 18, 2013. 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, 2013. Would authorize HUD grants

and HUD loans to provide assistance to urban parks.

National recreation commission.

HR 1834 (Grijalva). Grijalva introduced May 6, 2013. Would establish a national rec 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, 2013. Would require Congressional approval or state approval of national monuments under the Antiquities Act.

National heritage areas

HR 445 (Dent). Dent introduced Feb. 1, 2013. Would establish national policy and national standards for heritage areas.

Montana wilderness/recreation areas

S 37 (Tester). Senate committee approved Dec. 19, 2013. 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 2642 (Lucas). President Obama signed into law (PL 113-79) February 7. Establishes new farm policy for five years and finances conservation programs.

Sportsmen's packages

HR 3590 (Latta), S 1996 (Hagan), S 2363 (Hagan). House approved February 5. Hagan introduced February 4. S 2363 now on Senate floor. Measures include numerous individual bills, including designation of public lands as open-unless-closed to hunting and fishing, use of LWCF for sportsmen's access.

Hunting federal lands

S 170 (Murkowski), HR 1825 (Benishek). Murkowski introduced Jan. 23, 2013. Included in sportsmen's packages above. House approved February 4. Would declare BLM and FS lands open to hunting and fishing unless specifically closed.