

Federal Parks & Recreation

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In this issue. . .

Is Xanterra lawsuit symptomatic?

Of broader disagreement between concessioners and NPS over set-up of contracts. Concessioners say yes and want okay to improve facilities. NPS sees progress.... Page 1

Florida tops ballot initiatives.

Voters asked to approve \$9B in constitutional amendment. Big votes also in N.J., N.D., Calif., L.A. and Larimer Counties... Page 3

Ike Memorial gets second big vote.

Fine Arts Commission follows up NCPC approval. Are still critics but 2015 groundbreaking?.... Page 4

NPS faces tough marketing chore.

Experts tell meeting millennials require new kinds of pitches. They have new demands..... Page 6

New players expected on the Hill.

If GOP takes Senate, Murkowski will be a power. Hastings to retire atop House panel..... Page 7

2014 fire season ends poorly.

FS says it overran budget by \$200M. Finance impact on line programs being assessed..... Page 8

President designates San Gabriel.

As major monument outside L.A. He says FS will manage..... Page 9

Admin, GOP close on roads money.

Treasury's Lew also recommends using tax reform money..... Page 11

Notes..... Page 13

Conference calendar..... Page 14

NPS concessioners: Grand Canyon tiff tip of iceberg

The big lawsuit protesting a huge concessions contract offer at Grand Canyon National Park is symptomatic of a national disagreement between concessioners and the Park Service, according to a representative of the concessioners.

And, according to the National Park Hospitality Association, that disagreement prevents concessioners from upgrading major facilities in the National Park System, such as landmark hotels in the West.

"The whole issue is a manifestation of a failure to deal with infrastructure challenges facing the Park Service," said Derrick Crandall, counselor to the concessioners and a major player in the NPS policy game. "This has turned the National Park Service and concessioners into adversaries."

Crandall said facilities operated by concessioners in the system face a \$2 billion maintenance backlog, in addition to the \$11.5 billion agency-wide maintenance backlog (NPS disagrees with the \$2 billion figure). The logical way to address that backlog, in the absence of Congressional appropriations, is through concessioner investments.

The largest of those investments are carried out through leasehold surrender interest (LSI). That's a big way of saying that when a concessioner makes improvements and increases the value of its contract it gets paid for the improvements if NPS chooses a new concessioner.

Crandall charged that NPS is hesitant to approve LSI projects because those projects then increase the value

of a given concessions contract to the point that no outside company can compete for the contract.

"The Park Service has abdicated its responsibility under the 1998 law that established LSI," he said. "The Park Service has not come up with a philosophy or guidance dealing with LSI, either for writing it off or granting new LSI."

The 1998 law is known variously as the National Parks Omnibus Management Act and the National Park Service Concessions Management Improvement Act.

The Park Service in its defense did not directly address the LSI issue, but did say it was making progress in bringing down deferred maintenance in concessioner facilities.

First, NPS spokesman Jeffrey G. Olson offered a different total of deferred maintenance, \$370 million instead of Crandall's \$2 billion. "In 1998, the NPS identified \$526 million in deferred maintenance in concession facilities. Deferred Maintenance (DM) has since been reduced by over \$160 million bringing the DM down to approximately \$370 million," he said.

The reason for the decrease? "The decline in DM is primarily due to the NPS requiring maintenance reserves in its concession contracts and taking lower franchise fees to cover the cost of facility maintenance," said Olson.

The Coalition of Park Service retirees said it has not taken a position on the issue. But reading between the lines some retirees appear to be sympathetic to both sides. They are concerned about the degradation of concessioner facilities, i.e. the grand old lodges.

At the same time they favor tough competition in the concessions business to give the Park Service and visitors the best service at the best price. And concessioners holding expensive LSI discourage such competition, the theory goes.

The situation in Grand Canyon blew

up October 8 when the holder of a huge concessions contract at Grand Canyon National Park, Xanterra Parks & Resorts, sued NPS over a new contract proposal. On the same day NPS received no bids on the contract, the third time NPS has put it out on the street.

NPS then extended the bid deadline for the contract until October 22. It has not announced yet if it received any bids.

Xanterra says that the prospectus has not been economically realistic. The company said the franchise fee was too steep.

In an announcement of the lawsuit Xanterra's attorney said the proposed franchise fee would jump from 3.8 percent of gross receipts now to 14 percent. "Xanterra believes this will result in a cumulative negative cash flow for any concessioner over the entire term of the larger contract and represents a wholly unfeasible economic proposition," said Xanterra's attorneys, Hogan Lovells.

In soliciting bids NPS increased the franchise fees to compensate in part for facility improvements made by concessioners over the years under LSI. When NPS first put the contract out for bid last year it asked bidders to pay more than \$150 million for LSI.

When it received no bids NPS decided to reduce the LSI payment to \$57 million, and to make up the difference out of Park Service money.

In addition Xanterra objects to a second Park Service strategy of breaking out a portion of its old contract, and awarding it to competitor Delaware North.

The park posted a prospectus August 11 for a 15-year contract encompassing six lodging facilities, including El Tovar, as well as food services and transportation.

The park first proposed the contract a year ago but received no bids, the LSI.

The new contract, is to begin Feb. 1, 2015. Xanterra obtained the existing contract in 2002, which has been renewed three times on a yearly basis since then. It is now due to expire on December 31.

Xanterra says NPS's strategy of paying down the leasehold surrender interest with its own money will backfire. "It appears the reason for such a drastic hike in the contract's franchise fee is the NPS decision to use \$25 million in Park funds and another \$75 million borrowed from other national parks to 'buy down' Xanterra's LSI," said Xanterra's Hogan Lovells law firm. "This decision will in turn, by NPS' own admission, result in cutting budgets of its staff, implementing hiring freezes and furloughing of NPS employees at a number of national parks."

Meanwhile, as we reported in late August two proposed developments may pose the most serious threats to the park in its 95-year history, park officials say.

The more serious is a proposed Tusayan development in the gateway community of Tusayan. The Stilo Development Group, backed by Italian investors, has already gained approval of the city.

Separately, the Navajo Indian tribe has proposed a development east of the South Rim consisting of restaurants, hotels and shops on tribal land. But, to the dismay of park supporters, the tribe has also proposed the construction of a Grand Canyon Escalade gondola down to the canyon floor.

The park is also in the midst of a couple of major battles over uranium mining and a power plant on its borders.

Florida amendment biggest in big ballot initiative year

Voters across the country will be asked November 4 to vote on a whopping \$16 billion-plus in conservation initiatives.

Leading the list by far is a

Florida Constitutional Amendment that would generate \$9 billion from a real estate transfer tax. Sixty percent of the state's voters must approve it.

Other major initiatives include a \$2,150,000,000 open space program in New Jersey; a \$1,875,000,000 clean water, wildlife and parks initiative in North Dakota; a \$1.5 billion water bond in California; the renewal of a \$1.3 billion Los Angeles County program that allocates money for parks, recreation, and open space; and the renewal of a \$131 million open space program in Larimer County, Colo.

All told the 39 major state and local conservation initiatives represent an ambitious agenda in a time of government retrenchment. Said the Trust for Public Lands, "November 4, 2014, will be the most important election for land conservation and restoration in America's history."

In the last set of national conservation initiatives in November 2012 voters across the country approved 53 of 68 such measures for a total of \$2.3 billion.

FLORIDA: Amendment 1 would allocate one-third of the revenues from an existing real estate transfer tax to land conservation, outdoor recreation, management of existing lands and protection of lands critical to the water supply. Sixty percent of the voters would have to approve the initiative because it would amend the Florida constitution.

The Florida Department of State certified the ballot initiative earlier this year after conservationists allied as the Florida Water and Land Legacy campaign rounded up more than 696,000 signatures. They needed just over 683,000 signatures to qualify.

The program would kick in on July 1, 2015, and would ante up \$642 million in year one. The legacy says the amendment is needed because the Florida governor and Florida legislature have stripped existing conservation programs of money, leaving at risk 2 million acres of natural areas.

Florida newspapers reported significant opposition to the amendment from House Speaker Will Weatherford and Senate President Don Gaetz, both Republicans.

Supporters of the amendment have lined up \$4.6 million for their campaign. "We have developed a winning campaign plan and budget that will target our paid media at 'swing voters' identified by our polling and deliver our campaign messages to them through television, radio, and direct mail. The digital component of our paid media efforts is well underway and represents 15 percent of the overall campaign budget," said the trust.

NEW JERSEY: The New Jersey legislature approved this initiative late in the game, on August 4. It would generate \$2.8 billion, of which \$2.15 billion would be used for conservation. The NJ Keep It Green coalition of more than 185 organizations supports the use of the conservation money for open space, parks, waterways and historic sites.

However, the environmental group Public Employees for Environmental Responsibility (PEER) charged October 6 that the ballot measure would shift money from needed operations to favored real estate groups for open space acquisitions. PEER said the measure would transfer more than \$30 million per year out of conservation agency operations and maintenance and into land acquisition.

PEER said, "Some Keep It Green members are also focused on the green in their wallets."

NORTH DAKOTA: This constitutional amendment would take advantage of an explosive increase in energy development in the state by allocating five percent of revenues from a state oil extraction tax to conservation spending. The program would generate about \$45 million per year for various projects.

The money would be used to protect clean water; preserve natural areas like the Badlands; establish new parks and recreation areas; prevent flooding; and

educate the young about the outdoors.

There is opposition from the Greater North Dakota Chamber of Commerce and related groups.

Background information from supporters is available at <http://cleanwaterwildlifeparks.org/>.

CALIFORNIA: A \$7.5 billion Proposition 1 water bond would allocate \$1.5 billion to conservation projects. The state legislature and Gov. Jerry Brown (D-Calif.) put together this compromise to replace an initial, proposed \$11 billion-plus bond that was criticized for containing too much pork.

The money would be used for watershed restoration, forest health and wetland habitat.

LOS ANGELES COUNTY: Renewal: County voters will be asked to vote on Proposition P that would renew funding for parks, recreation, beaches, open space etc. It would put up about \$54 million per year from a \$23 parcel tax for 30 years. Of the more than \$1.6 billion, more than \$1.3 billion would be set aside for conservation.

LARIMER COUNTY, COLO.: Renewal: County voters are being asked to renew an open space program financed by a one-quarter of a cent sales tax. The program began 20 years ago. Of the \$262,500,000 the tax would generate half, or \$131,250,000, would be used to acquire open space

The Trust for Public Lands assembled the data. The data is available at <https://www.quickbase.com/db/bbqna2qct?a=dbpage&pageID=10>.

Eisenhower Memorial gets second big vote in two weeks

The U.S. Commission on Fine Arts October 16 approved a long-disputed design for a Dwight D. Eisenhower Memorial in Washington, D.C., perhaps opening the way for groundbreaking in 2015.

The vote came just three weeks

after the proposed design was considered dead in the water because of opposition from House Republicans and Eisenhower family members.

However, on October 2 the National Capital Parks Commission (NCPC) took the first step toward putting the project on track when it signed off on the latest design by a strong 10-to-1 vote. Two weeks later the fine arts panel followed suit.

Said Eisenhower Memorial Commission Chairman Rocco Siciliano after that commission vote, "It's good to see the work that has gone into preparing the design for approvals now yielding positive results and moving the project forward."

There are crucial obstacles ahead, including objections from the Eisenhower family and the House Natural Resources Committee. The former still objects to the most recent design from architect Frank Gehry.

To quiet complaints from the family last month Gehry modified his design by removing two large tapestries and some columns. But Gehry would retain a large tapestry as a backdrop for the memorial portraying Eisenhower as a boy.

Said Gehry after the October 16 vote, "Capturing the life and legacy of one of the greatest figures of the 20th century, has been a unique honor. I appreciate the approval given by the U.S. Commission of Fine Arts today."

The Eisenhower family, under the lead of Anne Eisenhower, a granddaughter of Ike, objects to the design. The remaining tapestry is no small thing. It would be 80 feet high and 447 feet long, a sizeable dimension given the memorial site is only four acres.

Meanwhile, Congress continues to attack the commission itself and the design from architect Frank Gehry. In a temporary spending resolution that Congress approved September 18 it shut off federal money for the commission through December 11.

More explicitly on July 30 the House Natural Resources Committee approved legislation (HR 5203) that would terminate the existing 12-member commission and staff and replace them all. The committee approved HR 5203 by unanimous consent, so committee Democrats did not enter the fray.

We asked committee staff if the committee was still interested in moving the bill through the House and Congress, and the staff demurred.

According to the Obama administration's fiscal year 2015 budget request, the Eisenhower Commission currently estimates the total construction cost of the memorial at about \$100 million. Congress has already appropriated about \$44 million for design and construction of the site and about \$65 million total. Other estimates put the total cost at \$142 million.

The commission itself receives a federal stipend; in fiscal 2014 it was \$1 million. However, Congress on September 18 approved a continuing resolution (PL 113-164) for early fiscal 2015 that would discontinue that stipend, at least through December 11.

On July 15 the House Appropriations Committee approved a full-year fiscal 2015 appropriations bill (HR 5171) that would put up no money for the commission. However, the leaders of the Senate subcommittee on Interior appropriations August 1 published a draft bill that would appropriate \$1 million for the commission.

The House Natural Resources Committee July 25 published a report that sharply criticized the Gehry design. The report faulted the design of the tapestries, saying it violates standards set by the NCPC.

The report says, "The NCPC found the tapestry proposal most problematic in that it adhered to only two of the design principles. NCPC staff commented that the tapestries 'read more like an extension of the street wall similar to what would occur if a building was constructed' and that the design 'turns

its back on the surrounding precinct . . . rather than creating a common space which the surrounding buildings help define.'"

The design was approved a first time on July 18, 2013, by the U.S. Commission of Fine Arts. However, on April 3 the NCPC disapproved the design, objecting in particular to the tapestries.

To move forward the proposed \$142 million memorial must gain approval from all the commissioners and obtain money from Congress.

The Eisenhower Memorial Commission was established by Congress in 1999. It consists of 12 members including four member of the U.S. Senate and four members of the House. Commission Chairman Siciliano, a World War II combat veteran, is also chairman of the Eisenhower World Affairs Institute.

Marketers see tough sell of national parks to young

The National Park System establishment got a wake-up call October 20 on how to attract to the system the one-third of Americans who are of the millennial generation.

At a discussion on marketing the national parks hosted by the National Park Hospitality Association, marketing experts offered the bad news, and hope for the future. To sum up millennials don't put national parks high on their radar, they don't like advertising and they almost must have connectivity when they travel.

Said Ken Dowling, a partner in the public affairs firm GREYnyc, "When you ask about the experience the millennials want to travel, but we (the national parks) are not on their radar screens at all. We not only have to supply everything but we have to get out there and make them aware of us to begin with."

GREYnyc is the firm that developed the "Find Your Park" campaign theme for the Park Service Centennial in 2016.

Dowling's tough talk was repeated by Dave Bratton, managing partner of Destination Analysts, Inc., who said, "I'm sure there are purists in this room that probably think that connectivity and the experience of a national park are antithetical, that they don't go hand-in-hand. But I'm telling you if you want to market to this generation you are going to have to throw that way of thinking out."

Both Dowling and Bratton said that it is no secret that the millennial generation is dramatically different from previous generations in that its members receive their cues on outdoor activities from social media. In addition they frequently plan their trips via electronic connections.

Moreover, millennials want connectivity when they vacation. To the question would you be "very uncomfortable" being disconnected for a week, only 30 percent of baby boomers said yes, but 71 percent of millennials said so.

Concluded Dowling of GREYnyc, "They are the generation of no b.s. They don't like advertising which makes my business tougher, but we have to engage them in a different way, through social media, user reviews and celebrity endorsements."

The Millennial Generation includes Americans born from the early 1980s to the early 2000s. The baby boomer generation includes people born between 1946 and 1964.

Other presentations at the National Park Hospitality Association event included a description of what Brand USA is doing to bring in 100 million international visitors per year. Brand USA, established by Congress in 2010, is a partnership between the federal government and tourism groups charged with attracting visitors to the United State from other countries. Brand USA President Chris Thompson gave the presentation.

Carlos Alcazar, managing director of the Tombras Group, outlined the potential for attracting Hispanics to

the parks. Hispanics make up 40 percent of millennials and by 2040 may make up 50 percent of young people.

NPS Director Jon Jarvis, who hosted the Park Service marketing event, has repeated the need for outside help to attract visitors to and improve park resources for the Centennial, and decades after. On Aug. 25, 2011, NPS got the Centennial ball rolling with a report titled *A Call to Action*.

At one time Congress was pitching in to help promote the parks for the Centennial but that interest appears to have waned. Sen. Ron Wyden (D-Ore.) and his staff were considering legislation when he chaired the Senate Energy Committee earlier this year. While they did not identify specific pieces of a proposal, logical candidates were a large endowment and, perhaps, a penny-in-the-parks gasoline tax. Sens. Rob Portman (R-Ohio) and Mark Udall (D-Colo.) have also from time-to-time showed interest in such legislation.

The NPS marketing tape is available at <http://new.livestream.com/usinterior/events/3466566>.

2015 will see major changes among Hill policy makers

A lot of dominos must fall in the November 4 elections - and the polls say they will fall - to usher in a whole new set of House and Senate policy makers in the park and rec arena.

No domino is larger than the probable takeover of the Senate by the Republican Party, setting up Sen. Lisa Murkowski (R-Alaska) as the park and rec kingmaker of all kingmakers.

Murkowski is in line to become chair of the Senate Energy Committee as well as chair of the Senate subcommittee on Interior Appropriations. In those positions she would control not only policy but also the purse.

Murkowski has long been a thorn in the administration's side. She was, and is, particularly angry about a Dec.

23, 2013, Interior Department decision to deny a permit to construct a road in Alaska across the Izembek National Wildlife Refuge. The road would give the community of King Cove a new link to medical help in Cold Bay.

Ever since, Murkowski has attacked Obama initiatives. Most prominently she opposed the nomination of Rhea Suh as assistant secretary of Interior for Fish and Wildlife and Parks. Although the energy committee approved Suh's nomination March 27 by a 12-to-10 vote, there was little chance it could get through the full Senate.

On September 17 the Natural Resources Defense Council (NRDC) announced Suh has abdicated and would become its president in January.

At the subcommittee level of the Senate Energy Committee Sen. Rob Portman (R-Ohio), a moderate and friend of the national parks, is ranking minority member of the Senate subcommittee on National Parks and thus is in line to become chairman.

At the subcommittee on Public lands Sen. John Barrasso (R-Wyo.) is the ranking minority member, followed by Sen. James E. Risch (R-Idaho). However, Barrasso may be more interested in chairing the Senate subcommittee on Energy, given his state's prodigious production of energy from the public lands.

In the House although the Republican Party will still be in charge the House Natural Resources Committee is in for a major shake-up because committee chairman Doc Hastings (R-Wash.) is stepping down at the end of the year.

His logical successor is Rep. Rob Bishop (R-Utah), chairman of the House Public Lands subcommittee. That in turn could lead to a game of musical chairs for the Public Lands subcommittee chairmanship. One possibility would have Rep. Doug Lamborn (R-Colo.) move over from his chairmanship of the House subcommittee on Energy. But Lamborn may want to stick with energy and minerals.

Other senior committee members from the West who might be candidates for the Public Lands subcommittee job include Rep Tom McClintock (R-Calif.), who represents Yosemite National Park, and Rep. Cynthia Lummis (R-Wyo.), who represents Yellowstone National Park.

Substantively, the House committee changes may not produce much difference in park and rec policy. Bishop, Lamborn, McClintock and Lummis are all staunch conservatives who oppose the expansion of the nation's conservation base through such things as national monument designations.

However, Bishop has worked closely with the park and rec community (with the exception of backcountry visitors) to fashion legislation (HR 5204) that would revise and extend an existing federal land recreation fee law. The full committee approved the bill July 30.

On the Democratic side of the committee little change is expected with Rep. Pete DeFazio (D-Ore.) continuing as ranking minority member and Rep. Raúl Grijalva (D-Ariz.) continuing as ranking minority member of the House subcommittee on Public Lands.

In the House Appropriations Committee Rep. Ken Calvert (R-Calif.), a moderate, is expected to retain that position as chairman of the subcommittee on Interior and Related Agencies. However, appropriations bosses frequently switch subcommittee chairmanships to funnel more money to their districts.

House Transportation Committee Chairman Bill Shuster (R-Pa.) sounds like he intends to renew his position because he talks frequently in public about his ambition to write a massive new surface transportation bill next year.

If Republicans take the Senate Shuster's counterpart at the Senate Environment and Public Works Committee, Sen. Barbara Boxer (D-Calif.), would likely yield the gavel to current ranking Republican Sen. David Vitter (R-La.) That could portend major changes

in park and rec transportation policy because Boxer is a staunch defender of outdoor programs and Vitter is a sometimes critic.

FY 2014 fire season ends with FS overspending by \$200M

The Forest Service said last week that fiscal year 2014 emergency fire-fighting expenses exceeded appropriations by \$200 million, as a preliminary rough estimate. The fiscal year ended September 30.

However, the service did not have to "transfer" directly the \$200 million from fire prevention programs and line operations programs to fire fighting. In past years the agency did have to borrow from fire prevention and operations, severely handicapping line programs.

"We did not need to transfer funds, but we still spent more than was appropriated to fight fire," said spokesman Larry Chambers. "The transfer was only avoided by using funds in reserve. This allowed us to minimize the disruption to jobs and important fire prevention work."

The agency isn't out of the woods yet. "Even without fire transfer, the financial impacts to the agency remain significant given the uncertainty," said Chambers. "Our forests and grasslands lost opportunities to undertake important project work - including work to reduce the risk of fire on the landscape, because we held back funding in anticipation of a bad fire year."

The House and Senate have different ideas about how to pay back the Forest Service. The House Appropriations Committee July 15 approved a fiscal 2015 appropriations bill (HR 5171) that included \$407 million in fiscal 2014 repayments. But that would have to come out of the hide of other fiscal 2015 programs.

The Senate is taking a different approach. It would have \$615 million in repayments come out of disaster funding so that the money would not be drawn from regular spending bills. To

that end the Senate attempted July 31 to take up an emergency immigration disaster assistance bill (S 2648) with \$615 million in fiscal 2014 fire-fighting repayments. However, Senate leaders were unable to move the measure to the floor because of Republican objections to the immigration funding.

Separately, the leaders of the Senate Appropriations subcommittee on Interior and Related Agencies August 1 published a draft fiscal 2015 appropriations bill that does not include repayment money. The leaders - chairman Jack Reed (D-R.I.) and minority leader Lisa Murkowski (R-Alaska) - would refer the payback to disaster spending.

The House and Senate are on schedule to address their differences over an Interior appropriations bill in a lame-duck session beginning November 12.

The Forest Service said the apparent inconsistency among the \$200 million, the \$470 million and \$615 million stems from different accounting procedures.

To resolve the recurring problem of fire-fighting costs that exceed appropriations, the Obama administration in partnership with both House and Senate Republicans has proposed legislation to shift those costs to disaster funding. (The Senate Interior subcommittee leaders included the text of the proposed legislation in their draft fiscal 2015 bill.)

As we reported in the last issue of *FPR* three former Forest Service chiefs October 1 urged Congress to take up the freestanding legislation (HR 3992, S 1875) to shift emergency fire-fighting payments out of annual appropriations bills.

In a *Los Angeles Times* opinion piece the three wrote, "The Wildfire Disaster Funding Act would allow hundreds of millions of dollars now diverted to fight fires to be restored to programs Congress intended to fund, including ones designed for wildfire prevention and forest health. That would in all likelihood result in fewer

wildfires, healthier forests and better wildlife habitat. And, in the long term, it could save billions of federal dollars that are now, quite literally, going up in smoke."

Former chiefs Dale N. Bosworth, Jack Ward Thomas and Michael Dombeck chose the *Times* in part because California has been devastated by fire and in part because California Rep. Kevin McCarthy (R) is now House Majority Leader. The chiefs urged McCarthy to put HR 3992, sponsored by Rep. Mike Simpson (R-Idaho), on the House floor agenda.

The Forest Service's Chambers made a similar pitch. "Passing bipartisan legislation to treat catastrophic fires like we treat other natural disasters would solve this problem without increasing the deficit," he said.

House Democrats have initiated a discharge petition that would force the House to consider Simpson's bill, which would then force the House to vote up-or-down on the legislation. Rep. Scott Peters (D-Calif.) said last month 196 House members have signed up, but 218 signatures are needed.

The National Interagency Fire Center says the number of fires and the acreage burned in the first 10 months of this calendar year are well below the ten-year average. The center counted just over 41,000 fires, compared to an average of just over 62,000. It said just over 3 million acres were burned compared to an average of 6.8 million.

However, the number of acres burned is not always a good indication of the expense of fighting fires. Proximity to the urban wildland interface matters more because homes and communities have to be protected. .

President designates major monument in Calif. forest

As forecast, President Obama designated October 10 a 346,000-acre San Gabriel Mountains National Monument just outside Los Angeles in the Angeles National Forest.

That is just over half the size that California Democrats recommended, but it is more than some local officials and private property rights advocates recommended. They would be happy with no monument.

Rep. Judy Chu (D-Calif.), the lead Congressional advocate for a monument in the area, said, "I am overjoyed and thrilled. This is an historic moment for the Los Angeles area, and it has been a long time coming. The San Gabriel Mountains are a treasure, providing 70 percent of the open space for Angelenos and attracting more than 3 million visitors a year."

Chu said that the designation of a national monument would help restore a tattered recreation facility. "With this designation, the San Gabriels will become a priority, opening up new streams of funding that can be used to ensure that the mountains achieve their full potential for all the people who have gone there to hike, fish, or just enjoy fresh air," she said.

Chu is the sponsor of legislation (HR 4858), introduced June 12, that would designate a 615,245-acre San Gabriel Valley National Recreation Area. That bill formed the basis for the monument.

But Rep. Paul Cook (R-Calif.), who represents a portion of the forest in San Bernardino County, asked that most of his county be excluded from a monument. Cook wrote Secretary of Agriculture Tom Vilsack September 12 to complain, "While lack of public input is our primary objection, insufficient information regarding potential impacts to public recreation, off-highway vehicle use, mining rights, renewable energy transmission, special-use permitting, and governing structure are also serious causes for concern."

He concluded, "Because of the aforementioned factors and the expeditious fashion by which this proposal is moving forward, we respectfully request that San Bernardino County be withdrawn from inclusion in the San Gabriel National Monument proposal, . . ." However, Cook did not

object to the inclusion of Cucamonga Canyon in his district in the monument.

Although the Park Service took the lead in a study of the Angeles National Forest as a national recreation area, and although Chu has recommended the Park Service and Forest Service "corroborate" on management of a recreation area, the President said the Forest Service would be in charge.

"The San Gabriel Mountains National Monument will be managed by the U.S. Forest Service and will be the eighth national monument under Forest Service management," said the White House.

Forest Service Chief Tom Tidwell, without mentioning the Park Service, said the Forest Service could do the job. "The Forest Service has already successfully managed this area for years, but I am heartened to know that from here on out we will continue forward with the higher status and level of protection that national monument status conveys," he said.

Private property rights advocates tried to head off the designation. Said the American Land Rights Association in a bulletin to its members, "Congresswoman Judy Chu seems to want to bypass the democratic process and get President Obama to declare the San Gabriel Mountains a National Monument with little or no public involvement. So far the process has been top down, command and control with little opportunity for local people or public officials."

House Natural Resources Committee Chairman Doc Hastings (R-Wash.) repeated the lack of public involvement charge immediately after the designation. "President Obama once again is using unilateral action to lock up hundreds of thousands of acres of public lands, ignoring local input and circumventing Congressional action," he said. "Local leaders, business owners, forest management experts, and community members have raised serious economic, recreational public safety, wildfire, and environmental concerns about creating a national monument in the Angeles

National Forest. President Obama is acting behind closed-doors, leaving local residents in the dark about the impacts and effects of this action."

However, Chu said the monument idea was fully vetted. She said the Park Service (note, not the Forest Service) wrote a feasibility study and held 66 public meetings and solicited 16,800 public comments. And Chu said she herself hosted more than 40 stakeholder meetings.

The Forest Service held a major public hearing of its own August 26 attended by an overflow crowd of more than 700 people.

The American Land Rights Association said the designation of a national monument would actually lead to fewer recreation opportunities. "Recreation is hard to come by in L.A.," the association said. "Taking an area already protected by the U. S. Forest Service and locking it up as a National Monument imposes new restrictions and regulations. When advocacy groups gain control, roads and access used to get to and from recreation are often closed. Handicapped, elderly and children will lose access when the lobbyists for the Monument get large areas of the San Gabriels set aside as official Legal Wilderness meaning no cars, motorized or mechanical vehicles."

Conservationists disagree. "Los Angeles has too few parks, and its residents have high rates of obesity and diabetes, so a San Gabriel Mountains National Monument will offer a fun and healthy escape from the pavement and congestion," said Daniel Rossman, San Gabriel Mountains Forever chair and senior regional representative for The Wilderness Society.

"In less than an hour, you will be in one of the monument's beautiful areas to swim in a rushing stream, hike to a dramatic peak, or simply relax under towering pines."

For private property rights advocates a San Gabriel National Monument represents the beginning of a larger Obama administration campaign

to make its mark environmentally by designating millions of acres of national monuments from federal lands.

Indeed conservation groups such as The Wilderness Society have put increasing pressure on the Obama administration to use the Antiquities Act to protect large tracts of public lands. The Wilderness Society said it has identified 25 wilderness and conservation bills that are hung up in Congress and said Obama should not wait for Congress but should step up and designate those areas as national monuments under the Antiquities Act.

The list of bills pending on The Wilderness Society list is at: <http://wilderness.org/article/wilderness-bills-await-congressional-action>.

On April 10, 2013, the Park Service (and not the Forest Service) completed a San Gabriel Mountains Special Resources Study that endorsed the designation of a national recreation area, as Chu has proposed. The study says the Forest Service would retain national forest land but the two agencies would collaborate in protecting area resources.

The San Gabriel National Monument is based largely on land in the Angeles National Forest that frames the northeastern side of Los Angeles County.

Chu's national recreation area legislation is complex. Among other things it would transfer 2,987 acres of BLM land to NPS for use as an administrative site, would forbid eminent domain but allow voluntary land acquisitions, and would establish a 17-member partnership to oversee the recreation area. The partnership would be composed of federal, state, local, water management agency officials and others.

Treasury's Lew may be on same page as GOP on highway money

The Obama administration appears to be moving toward the same recommended source of money for a long-term surface transportation bill as House Republican

leaders - money left over from corporate tax reform.

Secretary of the Treasury Jacob Lew said October 7 at an international economics conference that Congress should use revenues from a "broken business tax code" to pay for four years of surface transportation programs.

In a published conversation with the Peterson Institute for International Economics, Lew said he thought Congress and the administration could work out a deal. "I actually think there's broad bipartisan interest in doing more on infrastructure ... what's challenging is how to pay for it and how to break through gridlock," he said. A tape of the conversation is here: http://www.iie.com/events/event_detail.cfm?EventID=357.

While most legislators and interest groups continue to say that Congress should find a long-term source of money for surface transportation to complement the Highway Trust Fund, they acknowledge that that is politically difficult.

So a short, four-year infusion appears to be the better bet, politically. And solid funding for the Highway Trust Fund and/or surface transportation is essential for the survival of the \$700 million per year in recreation programs financed by the existing law.

Congress in August put up money for - and extended - the old highway law through May of 2015 PL 113-159. The law gives the Highway Trust Fund an \$11 billion boost, primarily by jiggering employee pension programs.

Now the focus is on follow-up, multi-year legislation. Senate Democrats want Congress to act in a lame-duck session after the November 4 elections, when the Democrats still control the Senate. House Republicans say Congress should wait until next year, at which time the Republican Party is expected to control the Senate as well as the House.

Senate Environment and Public

Works Committee Chairman Barbara Boxer (D-Calif.) stirred the pot October 9 by urging House Ways and Means Committee Chairman Dave Camp (R-Mich.) to come up with added money in the lame-duck session. That may appeal to Camp's vanity since he is retiring this year and the chairmanship (and credit for raising money) will go to someone else next year.

Boxer sent Camp an unusual hand-delivered letter and urged him to get moving. "We cannot afford to wait for action until the deadline which falls at the beginning of the critical summer construction season, or to kick the can down the road any longer," she said.

Boxer last month submitted a list of recommended sources of new revenues to Camp. While that list is top secret most everyone knows that the prime candidates are an increase in the gasoline tax (politically untenable), a fee on vehicle miles traveled, tolls, a wholesale oil fee and tax reform.

And tax reform is the choice of the Obama administration as well as Speaker of the House John Boehner (R-Ohio) and House Ways and Means Committee Chairman Paul Ryan (R-Wis.), as we reported in the last issue of *FPR*.

Recreation has a major stake in the game because an umbrella Transportation Alternatives Program receives \$720 million per year from the existing highway law, Moving Ahead for Progress in the 21st Century Act (MAP-21). That money is then relayed to such programs as Recreational Trails, Transportation Enhancements, Scenic Byways, and Safe Routes to School.

Crucially, when Congress writes, or attempts to write, a new six-year surface transportation law Republicans may be in charge of the Senate and the House. And a number of Republicans on both sides of the Hill have traditionally had it in for the Transportation Alternatives Program (TAP) and the trails, etc. it finances.

For instance, when the short-term fix bill was on the Senate floor July 29 Sen. Mike Lee (R-Utah) introduced

an amendment that would have repealed TAP. The greater goal of the Lee amendment, voted down 28-to-69, was to turn most responsibility for surface transportation over to the states. It would have reduced the federal gasoline tax from 18.4 cents per gallon to 3.7 cents.

Lee described his amendment as a positive for trail advocates because it would allow communities to put their highway money into whatever projects they wished. "Under the Transportation Empowerment Act (the name of his amendment), Americans could finally enjoy the local infrastructure they want. More environmentally conscious States and towns could finally have the flexibility to invest in more green transit projects and bike lanes," he said.

Notes

Feds publish wilderness 'vision'.

Five federal agencies involved in the management of the nation's federal wilderness lands published an agreement October 20 to guide management of the lands. The agreement outlines recommended interagency collaboration to preserve the 110 million acres in the national wilderness system. As a top priority the agencies will attempt to complete wilderness inventories across the system over the next five years. The *2020 Vision: Interagency Stewardship Priorities for America's National Wilderness Preservation System*, surfaces just as the Obama administration and its allies are celebrating the 50th anniversary of the system. Cooperating agencies include NPS, the Forest Service, the Bureau of Land Management, the Fish and Wildlife Service, and the U.S. Geological Survey. More information is available at: www.wilderness.net.

Protection urged in BLM

planning. Advice to the Bureau of Land Management (BLM) on its new land management planning exercise - what little there is thus far - encourages the bureau to protect favored uses. For instance the environmental group Pew Environmental Trust is asking BLM to ensure that multiple use doesn't

mean multiple use everywhere. "Any changes to BLM planning processes should explicitly clarify that multiple use does not mean all uses on all acres and that conservation and recreation are important multiple uses that deserve equal weight with other uses," Ken Rait, director of U.S. Public Lands for the trust wrote BLM October 1. On May 5 BLM said it was beginning a review called Planning 2.0 aimed at revising its planning strategy, without saying what uses it would target or promote in the guidance. It held two listening sessions earlier this month - one in Denver on October 1 and one in Sacramento on October 7. But some interest groups wonder if the exercise will produce any substantive policy changes, what with millions of acres already set aside for oil, gas and coal leasing, grazing, timber sales and hard rock mining claims. Said Kathleen Sgamma, vice president of government and public affairs for the Western Energy Alliance, "It's hard to tell how BLM's stated high-level goals will translate on the ground when major planning changes are being contemplated." She said the alliance will comment on the initiative later on. BLM says its end goal in Planning 2.0 is to employ a landscape approach to managing lands. What that would entail on the ground is of course unknown but the bureau mentions climate change and renewable energy as "key directions" it will follow. In sportsmen allied under the umbrella of the Theodore Roosevelt Conservation Partnership got an early jump on things. They recommended BLM use the planning process to protect backcountry areas for hunting and fishing. BLM has a long way to go before it completes so-called "Planning 2.0" guidance that would tell field offices how to rewrite land use plans. Those revised plans would decide what uses would be allowed, and would not be allowed, on BLM lands over the next two or three decades. Background on BLM's planning efforts is at www.blm.gov/plan2.

Gettysburg reaps battlefield

grants. The Park Service said October 17 that it will award \$2.2 million in grants for America's Civil War battlefields, with the bulk of the money

going to Gettysburg National Military Park. Gettysburg will receive more than \$1,850,000 to acquire five parcels of land totaling just over 19 acres; Manassas National Battlefield Park will receive \$230,000 to buy 2.5 acres; Rappahannock Station in Virginia will receive \$130,000 to buy 1.7 acres; and North Anna will receive \$57,000 to buy 10.5 acres. Congress sets aside money from the Land and Water Conservation Fund each year for an American Battlefield Protection Program. The acquisitions are guided by a report from the National Park Service's Civil War Sites Advisory Commission, <http://www.nps.gov/hps/abpp/cwsac/cws0-1.html>.

Western governors hit FS water proposal. The Western Governors' Association objected October 9 to a proposed new Forest Service groundwater policy. The policy, proposed by the service May 6, would establish a "consistent approach" to managing groundwater, which the agency does not now have. But the western governors fear the policy would give the service authority to condition water rights issued by the states. "States hold the authority to issue water rights, a fact recognized by the USFS in the proposed directive," said the governors. "However, the Western Governors are concerned that the proposed directive will lead the USFS to make decisions and place stipulations on proposed actions on NFS lands based on the quantity of water withdrawn with a state-issued water right; that is, a quantity that the state has authorized for diversion and depletion." The October 2 letter to the Forest Service's Elizabeth Berger in the Watershed, Fish, Wildlife, Air and Rare Plants office was signed by Nevada Gov. Brian Sandoval (R) and Oregon Gov. John Kitzhaber (D). This past summer 12 senators and 30 House members complained in a letter to the Forest Service that the proposed rule is reminiscent of other administration proposals the Republicans oppose, such as (1) a Forest Service ski area permit rule, (2) an administration Blueways policy and (3) an EPA wetlands rule. Like those proposals, none of which have been implemented, said the Republicans, "this Directive seeks to further federalize water resources at the expense of state

authority." As with the proposed ski area permit proposal, the Forest Service said the groundwater proposal of May 6 constituted a simple clarification of the agency's groundwater policy.

Conference calendar

OCTOBER

25-30. **The Wildlife Society Annual Conference** in Pittsburgh, Pa. Contact: The Wildlife Society, 5410 Grosvenor Lane, Bethesda, MD 20814-2197. (301) 897-9770. <http://www.wildlife.org>.

27-30. **National Scenic & Historic Trails Conference** in Salt Lake City, Utah. Contact: Partnership for the National Trails System at www.pnts.org.

NOVEMBER

11-14. The **National Trust for Historic Preservation Annual Conference** in Savannah, Ga. Contact: National Trust for Historic Preservation, 1785 Massachusetts Ave., N.W., Washington, D.C. 20036. (202) 588-6100. <http://www.preservation.org>.

18-22. **National League of Cities Annual Congress of Cities** in Austin, Texas. Contact: National League of Cities, Conference and Seminar Management, 1301 Pennsylvania Avenue, N.W., Washington, DC 20004. (202) 626-3105. <http://www.nlc.org>.

DECEMBER

3-5. **America Outdoors Marketing and Management Conference** in Daytona Beach, Fla. Contact: <http://www.americayoutdoors.org/>.

2015 CONFERENCE CALENDAR

JANUARY

8-11. **Archaeological Institute of America Annual Meeting** in New Orleans, La. Contact: Archaeological Institute of America, 656 Beacon St., Boston, MA 02215-2006. (617) 353-9361. <http://www.archaeological.org>.

20-21. **National Ski Areas Association Eastern Conference** in Killington, Vt. Contact: National Ski Areas Association, 131 South Van Gordon St., Suite 300, Lakewood, CO 80228. (303) 987-1111. <http://www.nsaa.org>.