

Federal Parks & Recreation

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Approps, LWCF, Centennial at risk in government closure

Conservation is caught in the middle of the paralyzing counter-demands on Speaker of the House John Boehner (R-Ohio) from conservative Republicans and Democrats.

At risk are appropriations for fiscal year 2016, which begins in a little over 10 days, and the Land and Water Conservation Fund (LWCF), which technically expires at the same time. Also caught in the vise is the Park Service Centennial, for which the Obama administration has asked hundreds of millions of dollars in new appropriations.

With just a handful of working days until September 30 conservative Republicans are demanding a variety of policy changes in a lead spending continuing resolution (CR). Those changes include everything from shutting off money for Planned Parenthood to opposition to the Iran nuclear agreement. If they don't get the changes, the conservatives threaten to shut down the government.

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

As House Democratic Whip Steny Hoyer (D-Md.) told House Majority Leader Kevin McCarthy (R-Calif.) on the House floor last week, "We have five full legislative days left before the government runs out of authority and funds to continue. As the gentleman

knows, I have been urging the majority leader and (the Republican) side of the aisle to enter into discussions on levels of funding and funding itself."

McCarthy returned fire, charging that the Democrats' demand for revised spending caps "was a strategy to make sure the appropriation process would not work."

He added, "We know the number of days we have left. We are continuing conversations on government funding, and we will inform members when action is scheduled in the House."

McCarthy's titular boss, Boehner, is caught between a rock and a hard place. He has said publicly several times he will not let the government shut down again, but a solid bloc of House Republican members are eager to do so to prove several policy points. That means Boehner must solicit Democratic help to move a continuing resolution without a Republican majority, which he is loathe to do.

Approps situation: The House Appropriations Committee approved its version of an Interior and Related Agencies appropriations bill (HR 2822) June 16 and the Senate Appropriations Committee approved its version of a bill (S 1645) June 18. The House bill reached the floor in July but Boehner shut down consideration July 9 because of controversies surrounding amendments dealing with the Confederate flag.

The House Appropriations Committee in May assigned a spending cap to the Interior and Related Agencies subcommittee bill that is \$246 million less than a fiscal 2015 ceiling of \$30.416 billion. The committee set a cap of \$30.170 billion for fiscal 2016. Still, that is marginally above the spending cap of \$30.010 billion set by the Senate Appropriations Committee May 21.

In threatening a veto of the House bill in July the Office of Management and Budget complained about a total funding level that is \$2.2 billion below the administration request.

The House appropriations bill would sharply reduce funding for LWCF, allocate token money for the Park Service Centennial and, at best, maintain existing spending levels before inflation for most land management agencies.

For Park Service operations the House bill includes a \$52 million increase, primarily for the agency's Centennial. The House would appropriate \$2.328 billion for operations, compared to a fiscal 2015 appropriation of \$2.276 billion.

The Senate Appropriations Committee's counterpart bill (S 1645) would spend \$5 million more for NPS operations than the House, \$2.323 billion. The Senate committee said it approved \$110 million in total for the Park Service Centennial; however, the two panels did not provide analogous breakdowns to allow direct comparisons.

The most prominent controversy facing the House bill is a proposed amendment that would authorize the flying of the Confederate flag over cemeteries that are part of the National Park System.

But the measure is ensnared in other, major policy disputes as well. Among them are amendments to block the designation of national monuments, to bar national parks from banning bottled water and to encourage the sale of federal lands.

Complicating the House bill is its approach to funding the payment-in-lieu of taxes (PILT) program and emergency fire fighting. HR 2822 would pay for both programs from appropriations in the bill.

Heretofore Congress has usually paid for PILT with money outside the appropriations bill, leaving room for assistance for other programs.

On the fire front both the House and Senate are moving to shift a portion of emergency fire fighting money out of appropriations bills and into disaster spending. In approving a counterpart Interior spending bill (S 1645) to the

House measure the Senate Appropriations Committee June 18 approved such legislation.

Although HR 2822 doesn't contain similar legislative language, the House did approve stand-alone legislation (HR 2647) July 9 that would authorize the transfer of some emergency fire-fighting costs out of a regular appropriations bill and into disaster spending.

With one voice September 15 the Office of Management and Budget (OMB), the Department of Agriculture and the Interior Department demanded that Congress act on the transfer. OMB Director Shaun Donovan and the secretaries of Agriculture and Interior wrote key Congressional leaders, "With the dramatic growth in wildland fire over the last three decades and an expected doubling again by mid-century, it only makes sense that Congress begin treating catastrophic wildfire as the natural disaster that it is."

LWCF situation: After a 50-year run the LWCF Act is due to expire on September 30, although Congress could still appropriate money for it in annual spending bills, such as the fiscal 2016 Interior approps bills, if it did expire. (See related article page 5.)

To reauthorize the law the Senate Energy Committee approved legislation (S 2012) July 30 that would extend LWCF permanently. The bill, from chairman Lisa Murkowski (R-Alaska) and ranking Democrat Maria Cantwell (D-Wash.), would also establish a \$150 million per year Park Service maintenance account.

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

The House has not been as active. One bill to reauthorize LWCF (HR 1814) has been introduced, albeit with more than 140 cosponsors from both parties, led by Rep. Raúl Grijalva (D-Ariz.) That measure has not moved.

NPS Centennial situation: On September 1 the Obama administration detailed in bill form its recommendations for increased spending to support the Park Service in its Centennial year 2016, and beyond.

The proposal follows up on the administration's fiscal year 2016 appropriations request of February 2, which asks Congress to ante up an extra \$326.3 million over fiscal 2015 for the Centennial under existing authorities. That includes \$242.8 million for deferred maintenance and \$40 million for Centennial Challenge grants.

The follow-up legislative proposal, like the appropriations request, also asks Congress for an additional \$500 million per year in new legislative authority, broken down into \$100 million for a new Centennial Challenge Fund, \$300 million for deferred maintenance in a new Second Century Infrastructure Investment and \$100 million for a new competitive Public Lands Centennial Fund. Money in the last category would be available for other Interior Department land management agencies, as well as the Forest Service. (See related article page 8.)

Other appropriations bills: An Energy and Water Appropriations bill (HR 2208) was approved by the House May 1 and the Senate Appropriations Committee May 21, but has moved no further. A Transportation appropriations bill (HR 2577) also has been approved by the House and was approved by the Senate subcommittee on Transportation appropriations June 23, but moved no further.

Senate panel takes conflicting testimony on new FLREA

The Senate Energy Committee yesterday (September 17) laid the groundwork for the renewal of the jumbo federal recreation fee law by holding a hearing on the measure.

As expected the Obama administration and members of both political parties argued for the

extension of a modified version of the current law, the Federal Lands Recreation Enhancements Act of 2004 (FLREA). It is due to expire on Sept. 30, 2016.

However, the politicians don't always agree on the details. They may have a little time to iron them out because the House Appropriations Committee, the Senate Appropriations Committee and the House Natural Resources Committee have all approved legislation (HR 2822, S 1645, and HR 1991) to extend the law through Sept. 30, 2017.

At the September 17 hearing NPS Deputy Director Peggy O'Dell, testifying for the Obama administration, recommended that Congress make the rec fee law permanent, while making some revisions to it. "These areas include adjustments to the BLM and USFS public participation processes, possible expansion of the program beyond the current agencies, reviewing interagency pass benefits, and utilization of existing and new technologies to improve visitor services and agency operations," she said.

"While we believe that these areas should be considered as the Committee considers permanent authorization of FLREA, we believe that FLREA is highly effective as enacted."

But O'Dell asked Congress to get cracking on the legislation. "We are concerned that a potential lapse in this authority will detrimentally impact the agencies' ability to support projects that improve visitor safety, experiences, and opportunities," she said.

"Furthermore, although the authority will be in place through September 2016, beginning October 1st, the agencies will be faced with challenging decisions as we try to anticipate the future of the program and make decisions about ongoing operations such as issuance of the annual pass."

Senate Energy Committee Chairman Lisa Murkowski (R-Alaska) said she was "generally supportive of FLREA. I want

to see the act and its programs continue without interruption while we work on reforms."

But Murkowski complained bitterly about an increase in federal land management agency administrative costs. She said the Park Service collection costs have increased to 30 percent and the Bureau of Reclamation to more than 50 percent. "I'm not buying it," she said and argued that the agencies were in danger of losing public support if fees continued to climb.

O'Dell told Murkowski that a portion of the increases was attributable to a perceived agency need to add staffing to not only collect fees but to guide visitors to enhance their experiences.

Ranking committee Democrat Maria Cantwell (D-Ore.) echoed Murkowski's guarded enthusiasm for the law. "In general I support the extension authority for federal recreation fees as long as the fees are kept at reasonable levels and they do not discourage the public from accessing the public land," she said. "We want also to insure the fee revenues are used to enhance visitor experiences on the federal lands."

There is severe criticism among backcountry users of both the existing system and reform legislation that the House Natural Resources Committee approved last year. The Western Slope No-Fee Coalition, which represents those backcountry visitors, has long criticized the Forest Service and the Bureau of Land Management (BLM) for charging fees into areas with minimal developed facilities; the Park Service for charging backcountry fees; and Congress for not appropriating enough money for the public lands.

At the hearing coalition President Kitty Benzar said, "I am speaking to you today on behalf of our supporters, on behalf of the organizations with whom we closely work, and on behalf of millions of our fellow citizens - traditional users who hike, ride, boat, hunt, and fish on federal lands and waters - who are fed up with fees for general access to our National Forests and BLM lands

and with ever-increasing entrance fees for our national parks."

Mary Wagner, associate chief of the Forest Service, said her agency has moved to reform its system for deciding where developed site fees will be charged. "Since 2005, the Forest Service has submitted approximately 1,470 recreation fee proposals to Recreation RACs (Resource Advisory Committees)," she said. "The vast majority of these proposals were for fee increases at campgrounds operated by the Forest Service, but the proposals also included new or increased fees for cabin rentals and day-use sites and elimination of fees at some sites. After deliberation, Recreation RACs recommended proceeding with all but approximately 30 of the proposals."

Speaking for outfitters, David Brown, president of the America Outdoors Association, recommended a dozen modifications to the law, such as streamlining permit documentation, including an increase in the use of categorical exclusions from environmental documentation.

When the House Natural Resources Committee approved a comprehensive rec fee bill in 2014, the panel left several issues unresolved. In addition to a dispute over who has ultimate authority to set new fees - Congress or land management agencies - the committee did not address appropriate discounts for senior citizens age 62 or older.

Thus far this year Congress has only moved to give itself time to write a bill. The House Natural Resources Committee on April 29 approved a stand-alone bill (HR 1991) from chairman Rob Bishop (R-Utah) that would extend the existing FLREA through Sept. 30, 2017. The House Appropriations Committee approved a similar provision June 16 as part of a fiscal year 2016 appropriations bill (HR 2822) and the Senate Appropriations Committee did the same for its appropriations bill (S 1645) June 18.

Congress usually offers extensions of rec fee laws one year in advance in order to give federal land management

agencies time to prepare and announce fee schedules for approaching seasons.

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

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

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

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

The House committee bill punted on the issue, calling instead for a study by the Departments of Interior and Agriculture.

Two minor bills affecting FLREA have already been introduced in this Congress. One measure (S 119) from seven senators would entitle all veterans with a service disability to a lifetime free pass to federal recreation lands.

Under current law veterans with a 100 percent disability are eligible for a lifetime free pass to federal lands, including national parks. S 119

would extend that pass to any service-connected disability.

Sens. Jeanne Shaheen (D-N.H.) and Susan Collins (R-Me.) are the lead sponsors.

On March 19 Rep. Richard Nugent (R-Fla.) introduced a second measure (HR 1505) that would authorize lifetime passes for all veterans to all federal recreation lands and national parks for \$10. The veterans would have to be honorably discharged.

FLREA, as enacted on Dec. 8, 2004, as PL 108-447, Section 804, was only good for 10 years. An interim appropriations law (PL 113-46 of Oct. 16, 2013) extended it through Dec. 8, 2015. PL 113-235 of Dec. 16, 2014, extends FLREA through Sept. 30, 2016. HR 1991 would extend it through Sept. 30, 2017.

FLREA produces about \$270 million per year in fee revenues and most of the money is used to improve recreation facilities.

LWCF extension popular, but finding opportunity isn't easy

Support for the Land and Water Conservation Fund (LWCF) on the Hill has never been stronger, say program backers, brightening the chances that Congress will reauthorize the program shortly.

But given the stalemate over most legislation in Congress, the problem is finding a vehicle to attach reauthorization to that might move.

"We have huge momentum and we have huge bipartisan support for getting LWCF reauthorized," said Alan Rowsome, senior director of government relations for lands at The Wilderness Society and cochair of an LWCF Coalition. "Members are looking for a legislative vehicle to get it done. The challenge is finding the right vehicle."

He added, "Whether on a CR (continuing spending resolution) or other moving vehicle this is the largest

groundswell of bipartisan support there has even been. The votes are bigger than ever before."

That was made clear July 30 when the Senate Energy Committee approved legislation (S 2012) to reauthorize the law permanently. The bill, an omnibus energy measure, was written by chairman Lisa Murkowski (R-Alaska) and ranking Democrat Maria Cantwell (D-Wash.)

In committee senators debated LWCF vigorously but only on how best to divide up money between federal acquisition and state grants.

Murkowski and Cantwell would specify minimum annual allocations within LWCF, such as at least 40 percent per year for federal land acquisition and at least 1.5 percent per year (or more than \$10 million) for access to federal land for recreational purposes.

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

After a 50-year run the LWCF Act is due to expire on September 30, although if it did expire Congress could still appropriate money for it in annual spending bills, such as the fiscal 2016 Interior approps bills.

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

Five Republican senators led by Burr have sponsored stand-alone legislation (S 338) this year that would make LWCF permanent at \$900 million per year. Six Democrats cosponsored the Burr bill.

Six Democratic senators led by Cantwell introduced a separate bill (S 890) March 27 that would permanently reauthorize LWCF, with guaranteed

funding. The Burr bill would not guarantee money for LWCF; Cantwell would.

Finally, Sen. Martin Heinrich (D-N.M.) and 13 other Democrats August 4 introduced a broad county-assistance bill (S 1925) that would extend LWCF permanently. The bill would also authorize a payments-in-lieu of taxes program and a Secure Rural Schools program.

The House has not been as active. One bill to reauthorize LWCF (HR 1814) has been introduced, albeit with more than 140 cosponsors from both parties, led by Rep. Raúl Grijalva (D-Ariz.) That measure has not moved.

House leaders are being urged to act. On September 16 Grijalva complained on the House floor that the Republican leadership has not heeded his request for a hearing on HR 1814.

And, he suggested that, based on Republican input at committee hearings, if the House does approve a reauthorization provision, it will divert LWCF money to other purposes. He said that a Republican bill, developed after the existing law expires, "without bipartisan input, without the Democrats playing any role at all in legislation that redefines the fund and that includes purposes for which the fund was never established and redirect its funds into areas which are far from the mission of the fund when it was established 50 years ago, is effectively killing the fund."

On September 10 114 hunting and fishing businesses wrote House and Senate leaders urging them to reauthorize LWCF. Said Ryan Callaghan, marketing manager with the First Lite Company, "The success of our company depends on the ability of everyday American sportsmen to be able to find quality places to hunt. The Land and Water Conservation Fund is a success story in funding conservation and access and in providing quality opportunities for sportsmen to hunt on public lands."

The National Recreation and Park Association, which represents state and

local park officials, backs the idea of a permanent LWCF, but is apprehensive about the 40 percent stateside set-aside because the bill would share that money with other programs. Those programs include Forest Legacy administered by the Forest Service, cooperative endangered species grants and the American Battlefield Protection Program.

As drawn up 50 years ago the Land and Water Conservation Act called for 60 percent of the annual LWCF appropriation to be allocated to state grants. But the law has been amended over the years to entitle other programs to share the money, and Congress in recent years has lowered the state share to an average of 12.5 percent of the total annual appropriation.

Throughout LWCF's history state and local officials have partnered in support of the program with national conservation groups that are primarily concerned with federal land acquisitions. However, under the surface there has always existed tension between the two sides as federal acquisitions have received the lion's share of appropriations.

The Senate Appropriations Committee followed that pattern June 18 in the course of approving its version of a fiscal year 2016 appropriations bill (S 1645). It would appropriate \$157.5 million for the federal land acquisition but \$55 million for state grants.

A counterpart House spending bill (S 2822) that is now stalled on the floor would appropriate \$91 million for the federal side but \$48 million for state grants. The fiscal 2015 appropriation for state grants is \$48 million.

House prepping roads bill; extension of old one likely

House Republican leaders are gearing up to write comprehensive, multi-year surface transportation legislation this fall.

The House Transportation Committee will take the lead in writing a House bill and was expected to hold an initial

mark-up this week, but that didn't pan out. However, the transportation panel does not have the crucial responsibility of paying for the legislation; the House Ways and Means Committee does.

Although the House Transportation Committee under Chairman Bill Shuster (R-Pa.) is expected to proceed with a mark-up, Shuster told the press last week that another extension of the old law will probably be needed to give time to write a new bill. And for the House Ways and Means Committee to come up with the money. The existing law is scheduled to expire October 29.

If Shuster's committee does produce a bill, it may well take aim at recreational trails, at least that is the fear of the Rails-to-Trails Conservancy. In a bulletin to members last week the conservancy said, "Time and time again, we've seen Congress is likely to consider reducing or even eliminating critical funding for trails as they debate the next transportation bill."

The bulletin, sent out under the name of Patrick Wojahn, director of government relations for the conservancy, said, "Quite frankly, this would be devastating news for trails across the country. Nationwide, 44 percent of rail-trails have been built with some federal funding. Although local trail groups often lead trail building efforts, many of these small community organizations rely on government grants and funding to construct new trails and improve existing paths."

On July 30 Congress extended for the umpteenth time an existing surface transportation law just as the Senate was making significant progress toward fashioning a six-year replacement bill.

Congress extended the existing law, Moving Ahead for Progress in the 21st Century Act (MAP-21), for three months, through October 29 (PL 114-41 of July 31.)

On July 30 the Senate approved its version of a six-year surface transportation bill (HR 22) that would

retain a base park and rec program known as the Transportation Alternative Program (TAP).

In passing HR 22 the Senate did NOT consider an amendment (SA 2280) from Sen. Mike Lee (R-Utah) that would eliminate the \$860 million per year for TAP. The program feeds money to such individual programs as recreational trails, Safe Routes to Schools and transportation enhancements.

(HR 22 is technically the Hire More Heroes Act, which the House approved January 6. The Senate is using it as a vehicle to move a surface transportation bill.)

Through a mix of financing schemes the Senate would fully fund HR 22 through the next three fiscal years, leaving the other three years for future Congresses to finance. The short-term extension would take \$8 billion from the general fund.

Caught in the middle of the House and Senate negotiations over the larger bill are recreation programs. On the upside HR 22 would retain TAP. In total for TAP the bill would allocate \$850 million per year for the next six years. On the down side Sen. Lee would eliminate TAP.

For the other park and rec half of traditional surface transportation laws - federal lands roads - the Senate bill would allocate \$560 million for fiscal year 2016, broken down as follows: \$305 million for federal land roads, with \$240 million of that set aside for the National Park Service and \$30 million for the Fish and Wildlife Service (FWS). A federal lands access program would receive an additional \$255 million for major projects.

Approps or not, Centennial for NPS faces big Hill climb

About half the Park Service's requests for hundreds of millions of dollars from Congress for its Centennial in 2016 are trapped in the ongoing appropriations stalemate on Capitol Hill. (See related article page one.)

And even then the trapped House and Senate appropriations bills include only a fraction of NPS's requests.

The other half of the Park Service requests are not trapped by the appropriations impasse but would have to come from Congressional authorizing committees. Those panels are free to attempt to move legislation to meet those requests as they see fit.

Ranking Senate Energy Committee Democrat Maria Cantwell (D-Wash.) said September 17 she and her colleagues were working on Centennial legislation.

Without being specific about provisions of the legislation, she said at a hearing on federal agency recreation fees, "It is also worth nothing that next year will make the 100th anniversary of the National Park System and the Park Service collects more than \$100 million in fees. Several of us have been working to develop a National Park Centennial bill. We certainly want to work with the chairman on that. This bill will provide the Park Service in the Second Century with additional tool to manage our national parks."

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

Still, given the reluctance of Congress to put up new money for any initiative - even so popular an initiative as the NPS Centennial - the Park Service will do well to get a fraction of its requests this fall.

The Obama administration laid out its Centennial request in bill form September 1 in two parts. In part one the administration asked Congress to ante up an extra \$326.3 million over fiscal 2015 under existing authorities, as it recommended in a fiscal year 2016 budget request in February. That includes \$242.8 million more for deferred maintenance and \$40 million more for Centennial Challenge grants.

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

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

The Senate Appropriations Committee approved a counterpart spending bill (S 1645) June 18 that would spend \$5 million more for NPS operations than the House, \$2.323 billion. The Senate committee said it approved \$110 million in total for the Park Service Centennial; however, the two panels did not provide analogous breakdowns to allow direct comparisons.

The Senate committee did say it recommended \$10 million for Challenge grants, or \$40 million less than the administration request.

That's the appropriations picture. In part two of its Centennial request NPS asked Congress for an additional \$500 million per year in new legislative authority, broken down into \$100 million for a new Centennial Challenge Fund, \$300 million for deferred maintenance in a new Second Century Infrastructure Investment and \$100 million for a new competitive Public Lands Centennial Fund. Money in the last category would be available for other Interior Department land management agencies, as well as the Forest Service.

Separately, the proposed legislation recommends that Congress establish a Second Century Endowment for NPS composed of revenues from donations to the National Park Foundation. The draft bill is here: <http://www.nps.gov/subjects/centennial/nps-centennial-act.htm>.

The House and Senate are moving by fits and starts on the authorizing requests. In the House key subcommittee chairmen are reportedly working on legislation that would address the

Centennial, federal lands recreation fees and Park Service concessions reform. Reps. Tom McClintock (R-Calif.), chairman of the House Federal Lands subcommittee, and Cynthia Lummis (R-Wyo.), chairman of the House subcommittee on Interior of the House Oversight Committee, held separate hearings on those issues July 23.

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

In real life, he said, lodging is down, camping is down, youth visitation is down and RV camping is down, despite an increase in the number of RVs in the country.

At the House hearings park concessioners made a pitch for major changes in concessions law, such as an extension of contracts from an existing standard of 10 years to as long as 40 years.

NPS is currently having difficulty finding a concessioner to bid on a lead Grand Canyon National Park contract because, concessioners say, franchise fees and leasehold surrender interests are excessive.

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

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

Biscayne goes against wishes of state, GOP on reef zone

In the face of fierce opposition from the State of Florida and House Republicans Biscayne National Park last week nevertheless announced that it had approved a no-fishing, reef protection zone in the park's waters.

On announcing the signing of a decision to implement a Biscayne plan National Park Service (NPS) Southeast Regional Director Stan Austin signed the Record of Decision (ROD) that calls for the protection of coral reefs.

"The need for this General Management Plan (GMP) is clear," he said. "It is based on our mission to preserve and protect resources and provide for the enjoyment of visitors. Biscayne National Park is truly a national treasure, and it is important that we work to preserve its extraordinary coral reefs for current and future generations to enjoy."

But Jessica McCawley of the Florida Fish and Wildlife Conservation Commission (FWS) said the designation of the 10,000 acres of water for corral reef habitat violated an agreement between the park and the state. She offered four reasons the state opposed it.

"First, the Park's refusal to explore alternatives to a no-fishing marine reserve zone early in the GMP planning process ultimately contributed to a failed attempt to find a workable compromise," said McCawley, who is director of the division of marine fisheries management within FWC. She offered her opinion at an August 3 joint hearing of the House Natural Resources Committee and the House Small Business Committee.

She added, "Second, FWC views the implementation of a no-fishing zone within the marine reserve zone under the GMP as a breach of the partnership agreement established through the MOU. Third, the proposed fishery closure is being based on an inappropriate application of scientific analysis.

Fourth, the closure would unnecessarily restrict public access and negatively impact the south Florida economy."

Biscayne Superintendent Brian Carlstrom defended the marine reserve zone (MRZ) at the joint committee hearing. "The proposal for an MRZ is intended to allow a portion of the coral reef to recover its health and to offer visitors the opportunity to see an intact and unfished coral reef system," he said.

The superintendent added, "Of the park's approximately 164,000 acres of marine waters, the MRZ will set aside 10,512 acres (or approximately 6 percent) of the park's waters. This also represents approximately 28 percent of the park's coral reef habitat. While commercial and recreational fishing will not be allowed inside the zone, public use of nearly 90 percent of the park will remain the same as it is today and 72 percent of the park's reefs will remain open to fishing. The majority of public comments on the GMP supported alternatives that included an MRZ."

Several Florida House Republicans introduced legislation (HR 3310) July 30 that would require state approval of any reef protection zone. House Natural Resources Committee Chairman Rob Bishop (R-Utah) last week suggested his committee will move the bill.

"I commend my Florida colleagues Rep. (Carlos) Curbelo, Rep. (Ileana) Ros-Lehtinen and Rep. (Mario) Diaz-Balart for helping to elevate public attention to this matter," Bishop added. "Together, we will take action to address the abuses of the National Park Service and re-establish public input and access at Biscayne Bay."

The National Parks Conservation Association has a different take, praising NPS for the decision. "With 95 percent of the park as water - six percent would be dedicated to the marine reserve to address the park's ailing coral reefs, help replenish dwindling fish populations and enhance the park visitor experience," said the association's Biscayne program manager Caroline McLaughlin.

NPS has been zigging and zagging for years about a possible marine reserve. On August 19, 2011, it first proposed a no-fishing marine reserve on a portion of the 144,522 acres of water in the park south of Miami and east of the Florida Keys. Water covers 83 percent of Biscayne Park.

The FWC immediately objected that the proposal violated a memorandum of understanding (MOU) it had with NPS on fishing in the park since 2002. FWC said at the time, "It is FWC's position, however, that the reduction or elimination of fishing activities currently proposed in the GMP/EIS violates the conditions of the MOU and should be coordinated with the FWC pursuant to the MOU and executed within the framework of the Fishery Management Plan as opposed to the General Management Plan."

So NPS backed off and in November 2013, instead of a marine reserve, proposed to establish a recreation zone with limited recreational fishing.

That in turn angered environmentalists such as NPCA, who insisted the reefs wouldn't revive without a marine reserve.

Now NPS is back with the marine reserve.

The 800-page plan/EIS are available at: parkplanning.nps.gov/bisc_gmp.

NPS returning Ellis Island artifacts moved after Sandy

Remember Hurricane Sandy of three years ago? Federal land managers in the Mid-Atlantic States are still trying to cope with it.

The Park Service took a major step this week toward recovery of national parks when it started moving archives back into the Ellis Island National Museum of Immigration.

Immediately after the October 2012 storm the park shipped a million archival documents and thousands of

artifacts out of Ellis Island and stored them in a facility in Landover, Md.

There they stayed while the park commissioned a \$39.4 million initiative to replace mechanical and electrical infrastructure. Now that the new infrastructure is in place the park is moving the artifacts back in. NPS says it anticipates its exhibits will be fully restored by early next month.

The artifacts include thousands of personal items such as shoes worn by immigrants, passports and other items.

"These personal artifacts, many donated by individual families from across the country, truly bring the immigrant experience to life, and we know visitors will be delighted to see them again on display at Ellis Island," said Stephen A. Briganti, president of The Statue of Liberty-Ellis Island Foundation, Inc.

Ellis Island was as hard hit as any national park unit by Hurricane Sandy, requiring a total of \$53 million for restoration. The park partially reopened in October 2013. Temporary electrical, communications and heating and cooling systems were completed late last year.

Parsing the various line items in the big Hurricane Sandy appropriations law (PL 113-2 of Jan. 29, 2013) for total conservation allocations is nearly impossible. But the Interior Department said it is investing a total of \$787 million in federal money in the recovery.

Immediately after the storm the Interior Department spent a pot of \$480 million from PL 113-2 for short-term recovery projects. That money was used to reopen closed facilities, such as the Statue of Liberty National Monument.

The law also set up a pot of \$360 million for restoration of natural sites and to prevent damage from future storms. The money is being and was used by the Park Service, the Fish and Wildlife Service, the U.S. Geological Survey, and the Bureau of Safety and Enforcement (offshore oil development).

In addition to those projects the Interior Department awarded \$100 million in resiliency grants for states, communities, nonprofits and others.

Hurricane Sandy of course devastated much of the mid-Atlantic coast on Oct. 29, 2012, taking out portions of numerous national parks and national wildlife refuges.

Congress responded with the emergency relief law that distributed for recovery activities \$348 million to the Park Service, \$78 million to the Fish and Wildlife Service, \$50 million to historic preservation, \$4.4 million to the Forest Service and more than \$1 billion to the Corps of Engineers.

More Interior Department information on the Sandy recovery effort is available at: <http://www.doi.gov/hurricanesandy>.

Notes

Coastal bill would tap OCS money.

Swimming against a strong tide, Sen. Sheldon Whitehouse (D-R.I.) September 10 reintroduced his legislation (S 2025) to use offshore oil and gas royalties to pay for an ambitious oceans policy. S 2025 would allocate 12.5 percent of offshore oil and gas revenues to a complex combination of grants to acquire coastal land for preservation, restore habitat, plan for ocean development, and more. In that offshore energy revenues in 2014 totaled \$7.4 billion the program would have received more than \$900 million if it had been in place. The \$900 million is of course the same amount of money the Land and Water Conservation Fund is supposed to take each year from offshore energy development. In sum Whitehouse's bill would help implement the Obama administration's proposed National Ocean Policy. House Republicans have a different opinion of that policy. In a fiscal year 2016 Interior and Related Agencies appropriations bill (HR 2822) the House Appropriations Committee June 16 approved a provision to forbid spending any money on implementation of the program. Still, said Whitehouse, "Our ocean and beautiful coastline are

part of the foundation of our economy. They're also part of our way of life. This bill will help Rhode Islanders and all Americans protect critical coastal infrastructure, restore marine and coastal areas that are important to jobs and our economy, and help future generations enjoy our oceans and coasts as we do today."

BLM Southwest offices to stay.

After creating a furor by proposing to merge the Arizona and New Mexico state offices of the Bureau of Land Management (BLM), the bureau backed off September 11, according to Rep. Raúl M. Grijalva (D-Ariz.) BLM will now allow the separate state offices to continue, he said. Grijalva rejected BLM's argument that the merger would save money and called instead for more substantial appropriations from Congress for each office. "Cutting land management and conservation funding every year and then demanding the impossible from our federal land managers is no way to lead, and the American people don't support it," he said. "We have to start funding BLM and the rest of the Interior Department adequately or we'll just be back in this position time and time again, and we all know that doesn't serve the people we represent." The idea of merging the New Mexico and Arizona offices of BLM has created an unusual alliance of critics, teaming Sen. Tom Udall (D-N.M.) and Grijalva with the energy industry and House Republicans.

Ban on drones for hunting spread.

Backcountry Hunters & Anglers (BHA) said September 11 it has helped secure bans in the use of drones for hunting and scouting in states across the country. Most recently Minnesota and New York have banned the use. BHA President Land Tawney is taking bows. "These victories attest to the power of our grassroots volunteers - and their commitment to upholding ethical hunting and fishing," said Tawney. He said the following states had already banned drones for hunting and fishing: Alaska, Colorado, Idaho, Montana, New Hampshire, New Mexico, Oregon, Vermont and Wyoming.

NPS names youth IP strategist.

The Park Service September 16 named a special assistant to help the agency develop an IP strategy to help the Park Service reach out to new audiences. The assistant, Dr. Allison Druin of the University of Maryland's iSchool, will serve as a special advisor for two years. The Park Service is well aware that its audience is overwhelmingly aged white people and is reaching out to people of color and youths. "The constantly evolving digital landscape presents numerous opportunities for the National Park Service to reach new audiences in our second century of service," said NPS Director Jonathan B. Jarvis. One of Druin's focuses at the University of Maryland has been adapting educational techniques to children.

Forest rewriting snowmobile

EIS. Following up on an August 27 order from a federal court, the Beaverhead-Deerlodge National Forest said September 11 it will prepare additional environmental analysis of the impact of snowmobiles on big game. The Ninth U.S. Circuit Court of Appeals on June 22 ruled that the service's EIS for a resource management plan did not adequately analyze the impact of snowmobiles on big game. In that 2009 plan the forest opened 2 million acres of the forest, actually down from previous levels. Following up on the appeals panel decision a U.S. District Court judge ordered the service to improve its environmental analysis. The Beaverhead-Deerlodge National Forest will now prepare a supplemental EIS, perhaps formally proposing it in November. This dust-up is separate from a broader court order that directed the Forest Service to assess the impact of snowmobiles in travel management plans nationally. When the service published a final regulation in 2005 that led to the designation of roads, trails and other areas that were either available to "off-road vehicles (ORVs)" or off limits to ORVs, the rule exempted snowmobiles and other oversnow vehicles. On March 29, 2013, U.S. Magistrate Judge Ronald E. Bush ruled for backcountry recreationists that the Forest Service could not exclude oversnow vehicles from the rule. The service is now updating forest plans.

Boxscore of legislation

Fiscal year 2016 appropriations

HR 2822 (Calvert), S 1645 (Murkowski). House was considering July 9. Senate committee approved June 18. Both would retain spending levels. Senate committee would take PILT and some fire costs out of bill. House committee would not. Lots of riders in both bills.

Appropriations Fiscal 2016 Energy and Water

HR 2208 (Simpson). House approved May 1. Senate committee reported May 21. Would provide mild increase for Corps, mild decrease for Bureau of Reclamation. House would block EPA/Corps wetlands rule.

Appropriations Fiscal 2016 Transportation

HR 2577 (Diaz-Balart). House approved June 9. Senate subcommittee approved June 23. Would roughly maintain surface transportation spending at fiscal 2015 levels.

Fiscal year 2016 budget

H Con Res 27 (Price), S Con Res 11 (Enzi). House approved April 30. Senate approved May 5. Would freeze spending. Senate recommends line committee action on NPS Centennial, LWCF, fire, PILT.

Land and Water Conservation Fund

S 338 (Burr), S 890 (Cantwell), HR 1814 (Grijalva), S 2012 (Murkowski), S 1925 (Heinrich). Senate hearing April 22. Grijalva introduced April 15. Senate committee approved Murkowski bill July 30. Heinrich introduced August 4. All would extend program at \$900 million per year in perpetuity. S 890, HR 1814 and S 1925 would guarantee the money each year.

Urban park fund

HR 201 (Sires). Sires introduced January 7. Would authorize HUD grants and HUD loans to provide assistance to urban parks.

Federal land recreation fees

HR 1991 (Bishop), HR 2822 (Calvert), S 1645 (Murkowski). House committee approved April 29. Senate hearing

September 17. Bishop would extend existing law year through Sept. 30, 2017. Calvert and Murkowski included extension in fiscal 2016 appropriations bills (above.)

Emergency fire spending

HR 167 (Simpson), S 235 (Wyden), S 508 (McCain), S 1645 (Murkowski), HR 2647 (Westerman). Simpson introduced January 6. Wyden introduced January 22. McCain introduced February 12. Senate committee approved S 1645 June 18. House approved HR 2647 July 9. All would shift emergency fire fighting costs out of line appropriations and into disaster spending. McCain would also increase timber harvests.

Monument restrictions

HR 330 (Young), HR 488 (Amodei), S 437 (Murkowski), HR 900 (Labrador), S 228 (Crapo). Young introduced January 13. Amodei introduced January 22. Murkowski introduced February 10. Labrador introduced February 11. Crapo introduced January 21. All would require Congressional or state approval of national monuments.

Wetlands regulations

HR 594 (Gosar), HR 2028 (Simpson), S 1140 (Barrasso). House approved HR 2028 May 1. Barrasso introduced April 30. Would forbid completion by EPA of regulations expanding kinds of water bodies requiring wetlands protection permit. 141 cosponsors. Also included in House and Senate spending bills.

Surface transportation

S 1647 (Inhofe), HR 680 (Blumenauer), HR 2410 (DeFazio), HR 2595 (Norton), HR 2609 (Sam Johnson), HR 22 (Davis). Senate committee approved S 1647 June 24. Blumenauer introduced February 3. Norton introduced June 1. Johnson introduced June 2. Senate approved HR 22 (substitute for S 1647) July 30. Inhofe would revise law for next six years. Blumenauer would increase the gasoline tax to help pay for surface transportation programs. DeFazio would implement Obama administration recommendations. Norton would increase payments for NPS roads. Johnson would eliminate Transportation Alternatives Program.