

Federal Parks & Recreation

Editor: James B. Coffin

Subscription Services: Celina Richardson

Volume 29 Number 15, August 5, 2011

In this issue. . .

Budget holds up DoI money bill.

House had almost completed with major conservation cuts. Bill also includes riders. Hill leaders now trying to figure out how to plug in new budget... Page 1

House goes easy on land managers.

Comparatively, in FY '12 money bill. Not-quite-finished measure would roughly freeze NPS, other agency spending. Veto?..... Page 4

Budget pact will affect approps.

House not sure what to do with money bills it worked on. Senate will use deal as a guide.... Page 6

Fort Monroe campaign is gaining.

Attendees at hearings all backed. Trust campaign gathers support. Money catch for monument ... Page 7

Roads bill delayed until fall.

Hill committees both defer mark-up. Senator says rec trails, Safe Routes will be in Page 8

Air tour policy hung up on Hill.

Dispute between House, Senate on FAA program stymies bill.... Page 9

Grand Canyon mining up in air.

House spending bill that would allow claims is delayed..... Page 10

Different conservation approaches.

House cracks down on 'wild lands' while DoI seeks wilderness.. Page 11

Notes..... Page 12

Conference calendar..... Page 14

House suspends work on money bill; cuts, riders certain

House consideration of a fiscal year 2012 Interior and related agencies appropriations bill (HR 2584) was interrupted this week by passage of a landmark Congressional budget.

Although the House was two-thirds through with its deliberations on HR 2584, the budget agreement (PL 112-25 of August 2) may lead to a new spending cap for the measure. Then what would the House do?

At this point appropriators are not sure. All they know is they left town this week for a month-long August vacation and will face spending questions when they return. "Work on the FY 12 bills will continue in September," said a House Appropriations Committee spokeswoman this week.

The Senate appropriations situation is simpler. The Senate has not begun work on a budget or on domestic appropriations bills, so its budget and appropriations committees can begin work anew with the PL 112-25 budget ceilings.

A Senate Appropriations Committee staff member said the committee will use the overall spending ceiling in PL 112-25 for fiscal 2012. "Within these topline levels, the committee will work with the minority to establish allocations for each subcommittee and begin marking up the remaining bills when the Senate returns in September," the staff member said.

During its consideration of HR 2584 last week the full House voted three times in favor of the Land and Water Conservation Fund (LWCF). But at the end of the day House Republicans were still on course to reduce federal

acquisition from LWCF by almost \$100 million. And provide no money for state LWCF grants.

The House actions came during consideration of the fiscal 2012 spending bill for the Interior Department and Related Agencies. The House addressed the bill for four days, but did not complete it because of the press of the budget deficit business.

All the details of the implementation of the budget agreement must still be worked out, but in broad strokes the deal calls for roughly \$100 billion per year in discretionary budget cuts, compared to fiscal 2011. However, the fiscal 2012 cuts will be far less than that, about \$7 billion.

When the House does complete the Interior spending bill, perhaps in September, it almost surely will reduce outdoor spending and revise outdoor policy.

In one policy vote July 27 the House approved a provision that would bar the Interior Department from designating any new 'wild lands.' That may not be necessary because Salazar has already said the Bureau of Land Management (BLM) will not on its own designate wild lands but will ask Congress to do so. (*See related article page 11.*)

A separate floor amendment may be offered to support a ban on the withdrawal of one million acres of public land near Grand Canyon National Park from mining claims. The bill as approved by the House Appropriations Committee would remove the withdrawal ban.

Also possible is an amendment from Rep. Denny Rehberg (R-Mont.) that would prevent the administration from designating any national monuments. The Antiquities Act of 1906 gives the President authority to designate national monuments.

Federal land managers are doing a bit better than conservation grant programs, with Park Service and Forest Service appropriations in the

neighborhood of fiscal 2011 numbers.

If and when the Senate does act on appropriations bills, it is expected to support far greater spending for conservation than the House.

In other spending bills the House approved a fiscal 2012 **Department of Agriculture** appropriations bill (HR 2112) June 16 with reductions of \$1 billion in conservation spending. And the \$1 billion comes on top of a \$500 million reduction in fiscal 2011.

The House July 15 approved a fiscal 2012 **Energy and Water** appropriations bill (HR 2354) that would block a proposed new Obama administration wetlands permit policy. That is the same provision that the House committee inserted in the Interior bill July 13.

Finally, a fiscal 2012 **Transportation** spending bill has not begun to move. It was originally scheduled for subcommittee action July 14, followed by full committee July 26. The committee has set a spending cap for the bill of \$47.7 billion that is \$7.7 billion less than the fiscal 2011 appropriation of \$55.4 billion.

House Republican leaders have reportedly deferred action on the Transportation bill until fall to allow time to resolve budget deficit disagreements. PL 112-25 will guide the House in spending for transportation.

Although the House Interior bill is on course to reduce spending across-the-board for conservation programs, it did find money for commercial users of the public lands. For example to accelerate the renewal of grazing permits the committee approved a \$10.6 million increase for grazing management by BLM to \$87.5 million from \$76.9 in fiscal 2011. For the Forest Service the committee approved an increase in grazing of \$5.7 million to \$55.4 million from \$49.7 million in fiscal 2011.

LWCF AMENDMENTS:

The big LWCF amendment would have eliminated all federal land acquisition. It was defeated in an

unrecorded vote. Chief sponsor Rep. Doug Lamborn (R-Colo.) would have lopped off all federal land acquisition money (the state side was already eliminated.) "Our Federal agencies have enough on their plate, and if we zero out these land acquisition programs, we can save a significant amount of money," said Lamborn.

But Rep. Jim Moran (D-Va.), ranking minority member of the House Appropriations subcommittee on Interior, objected, "The amendment would exacerbate an already draconian cut - 78 percent cut - to the Land and Water Conservation Fund, a program that is already paid for using a very small percentage of oil drilling receipts. I would hope that my colleagues and anybody that might be listening to this debate would understand that Land and Water Conservation Fund moneys are not taxpayer dollars. They come from the receipts from oil and gas drilling - drilling that is on publicly owned land."

The second LWCF amendment succeeded. It would increase federal land acquisition by \$20 million by deducting the same \$20 million from Interior Department overhead. It was approved on an unrecorded vote. The sponsor, Rep. Charlie Bass (R-N.H.), said, "We need to continue the program of land conservation, local recreation, and, yes, working forests. And a \$68 million appropriation just plain doesn't do it."

Although Moran supports LWCF, he opposed the amendment because it would draw money from Interior Department operations. "Now, we couldn't agree more that (LWCF) never should have been cut by 78 percent," he said. "It should be restored. We have said that in our statement. We support amendments to restore it, but certainly not to take it from the ability of the Secretary of the Interior to collect the very revenues that the government needs and that the American people are owed."

The third LWCF amendment also succeeded. It would add \$5 million to the federal side of LWCF for hunting and fishing access. The money would

come from EPA's Brownfields Restoration program. The amendment sponsor, Rep. Scott Tipton (R-Colo.), said, "This funding would be used for projects that clearly and specifically improve access for hunting, fishing and other forms of outdoor recreation on these Federal public lands. Of the directed funds, \$5 million would be redirected to make public lands public and provide much needed support for recreational access."

In addition Rep. Rush Holt (D-N.J.) has prepared but not yet offered a pro forma amendment that would guarantee LWCF \$900 million per year, without further appropriation. Guaranteed funding is the Holy Grail of LWCF supporters, but it has zero chance of House acceptance.

PROGRAM SPENDING LEVELS: Here's what HR 2584 looked like when it reached the House floor for other grant programs:

For national **heritage areas** the committee met the administration request of \$9 million, but that is \$8.4 million below the fiscal 2011 enacted level of \$17.4 million. The committee noted that Congress has increased the number of heritage areas in recent year from 27 to 49 and urged partnerships that manage those areas to find new sources of funding.

The House had under consideration last week two amendments dealing with heritage areas. It rejected by voice vote July 26 an amendment from Rep. Paul Tonko (D-N.J.) that would have restored the additional \$8.4 million from last year. To pay for the increase, Tonko would have deducted \$8.4 million from an Office of the National Parks Service account.

Said Tonko, "We must preserve sites that are historically significant. Doing so will increase community spirit as well as generate much-needed tourism dollars. A recent United States Cultural and Heritage Tourism Marketing Council and United States Department of Commerce study revealed that cultural heritage travelers contribute more than \$192 billion annually to our United States economy."

From the other side of the aisle Rep. Tim Huelskamp (R-Kansas) has prepared but not yet offered an amendment that would bar any spending on heritage areas. It is not clear if that amendment will reach the floor in September

For state and Indian **wildlife conservation grants** the bill contains \$22 million, down by \$40 million from the \$62 million in fiscal 2011.

For the **Historic Preservation Fund** HR 2584 would provide \$49.5 million, or almost \$5 million less than the fiscal 2011 level and \$11.5 million below the budget request.

For the **Save America's Treasures** grants program the committee approved no money, the same as fiscal 2011 and the administration request. In fiscal 2010 Congress appropriated \$25 million.

For the **Preserve America** grants program the committee approved no money, the same as fiscal 2011 and the administration request. In fiscal 2010 Congress appropriated \$4.6 million.

House goes fairly easy on agencies in money bill

The House last week came close to completing a fiscal year 2012 outdoors spending bill (HR 2584) that would treat federal land management agencies more gently than conservation grant programs.

For instance the bill on the House floor would reduce the appropriation for Park Service operations by "only" \$6.9 million, from \$2.250 billion in fiscal 2011 to \$2.243 billion.

For Forest Service recreation management the bill would meet the fiscal 2011 appropriation number of \$281.6 million, although that was \$8.9 million below the administration's fiscal 2012 request.

For Bureau of Land Management (BLM) recreation management the bill would provide \$67.6 million, down \$1.2 million from fiscal 2011 and \$9.2 million below an administration request.

On the other hand the House is about to take the National Landscape Conservation System (NLCS) managed by BLM to the woodshed, cutting the appropriation by \$11.9 million, to \$20 million from \$31.9 million in fiscal 2011. Moreover, the appropriation represents almost a 50 percent reduction from the Obama administration request of \$39.3 million. The 26 million-acre NLCS is by definition made up largely of conservation lands, including "wild lands."

Also on the losing end is management of national wildlife refuges. The House bill calls for a \$37 million decrease for fiscal 2012, in sharp contrast with a recommendation from the Obama administration.

The White House attacked both the spending numbers and substantive provisions in HR 2584. The bottom line, said the Office of Management and Budget (OMB) in a July 21 statement, is a likely veto. However, that threat came before Congress and the White House struck a 10-year budget agreement (PL 112-25 of August 2), which could modify HR 2584.

For instance on money OMB said the bill would hurt operations of the Fish and Wildlife Service (FWS). "The funding provided for operations would seriously degrade the ability of FWS to maintain the network of National Wildlife Refuges and fulfill other statutory responsibilities," said OMB.

For FWS refuge management the bill would provide \$455 million, or \$37 million less than the fiscal 2011 appropriation of \$492 million. The administration requested \$503 million.

The Senate thus far this year has been missing in action. The Senate Budget Committee failed to develop a Congressional budget and the Senate Appropriations Committee has scheduled no domestic bill mark-ups, yet. Now that Congress has reached agreement with the White House on a ten-year budget the Senate too intends to begin working on spending bills.

Here are some of the numbers in

HR 2584 for land management agencies, compared to fiscal 2011:

* Park Service operations: \$2.243 billion, or \$6.9 million less than the \$2.250 billion in fiscal 2011. The administration request was \$2.297 billion.

* Park Service construction: \$152 million, or \$58 million less than the \$210 million in fiscal 2011. The administration request was \$152 million.

* Park Service recreation and preservation: \$49.4 million or almost \$10 million less than the \$59 million in fiscal 2011. The administration request was \$51.6 million.

* National Forest System: \$1.547 billion, or \$2 million more than the \$1.545 billion in fiscal 2011.

* National forest recreation management: \$281.6 million, or the same as fiscal 2011. The administration requested \$290.5 million

* BLM recreation management: \$67.6 million, or \$1.2 million less than the fiscal 2011 level of \$68.8 million. The administration requested \$76.8 million.

* BLM NLCS: \$20 million, or \$11.9 million less than the fiscal 2011 appropriation of \$31.9 million. The administration requested \$39.3 million.

* FWS refuge management: \$455 million, or \$37 million less than the fiscal 2011 appropriation of \$492 million. The administration requested \$503 million.

Here are four riders dealing with federal land management:

WILD LANDS: The House July 27 voted to retain a bill provision that would bar the Interior Department from designating any new 'wild lands.' That may not be necessary because Secretary of Interior Ken Salazar has already said BLM will not on its own designate wild lands but will ask Congress to do so.

The ban is already in place through September 30 in a fiscal 2011 appropriations bill (PL 12-10 of April 15) and Salazar himself has pledged not to designate any wild lands without Congressional approval.

Rep. James Moran (D-Va.), who offered the unsuccessful House floor

amendment to remove the wild lands provision, said, "Now, the order that Secretary Salazar has issued directs BLM to develop recommendations to the Congress regarding wilderness land designations. And it directs public involvement in the development of those recommendations. Now what could be wrong with that - make recommendations to the Congress and have public involvement?"

But Rep. Rob Bishop (R-Utah) countered that just because Salazar promised not to designate wild lands doesn't make it so. "If, though, you want to try to have some kind of dangling aspect out there so that somebody can sue someone somewhere and maybe change the entire process, then create doubt and actually withdraw language that was in the (fiscal 2011 law) that was approved by the House and the Senate and signed by the President," Bishop said.

GRAND CANYON: Democrats are expected to offer a floor amendment in September that would allow the Interior Department to withdraw 1 million acres of federal land from uranium mining near Grand Canyon National Park. As now written the bill would bar such a withdrawal. The bill says "none of the approximately 1,010,776 acres of public lands and National Forest System lands described in (an emergency withdrawal) . . . may be withdrawn from location and entry under the General Mining Law of 1872," unless Congress approves such a law.

Secretary of Interior Ken Salazar June 20 ordered a six-month withdrawal of the one million acres to block temporarily additional uranium development. Then he chose a preferred alternative of a 20-year withdrawal in an EIS that will be completed over the next six months. Salazar said he would make a final decision this fall on a 20-year withdrawal.

WETLANDS DEFINITION: The House has already approved in an Energy and Water spending bill (HR 2354) a ban on the implementation of proposed Obama administration guidance on a definition of navigable waters subject to wetlands

permitting. That definition would help EPA and the Corps of Engineers decide whether a Section 404 wetlands permit is required for projects that affect the nation's waters. Now the Interior bill includes a similar provision.

The Interior spending bill says no money in the bill or any other bill may be used "to develop, adopt, implement, administer, or enforce a change or supplement to the rule dated November 13, 1986, or guidance documents dated January 15, 2003, and December 2, 2008, pertaining to the definition of waters under the jurisdiction of the Federal Water Pollution Control Act."

The proposed Obama administration guidance attempts to interpret a U.S. Supreme Court decision that appeared to limit Section 404 permitting authority to navigable waters. That is the famous *Rapanos* decision.

CALIFORNIA OHV ROUTES: The provision would direct the Forest Service in California to allow off-highway vehicle (OHV) use on "Maintenance Level" roads in national forests. Four Republican House members led by Rep. Wally Herger (R-Calif.) have introduced stand-alone legislation (HR 242).

Budget agreement leaves approps spending in air

The huge long-term budget agreement Congress approved this week (PL 112-25) may have limited short-term impacts on park and rec spending. But longer term it promises to force substantial restrictions.

Most immediately, appropriators are not certain how the agreement will affect the fiscal year 2012 domestic appropriations bills that the House is working on now, or has passed. That's because PL 112-25 would not change much the overall spending ceiling established through the House-passed Congressional budget (H Con Res 43 of April 15.)

Various analyses differ on the total domestic impacts of PL 112-25. One predicts that the agreement will

reduce domestic spending by \$25 billion in fiscal 2012 compared to fiscal 2011.

But according to a House leadership summary of the budget agreement, total domestic spending would decrease by only \$7 billion in fiscal 2012 (compared to fiscal 2011) and \$3 billion in fiscal 2013 (again compared to fiscal 2011). And half of that \$10 billion is supposed to come from Defense spending.

But that is the easier half of the budget agreement. In the more difficult half a committee of 12 House and Senate members must strike an agreement by Thanksgiving to chop an additional \$1.5 trillion out of the budget over the next 10 years. How much of that would come from fiscal 2012 spending has, of course, not even been guessed at.

If the committee can't reach agreement, a trigger will reduce spending across-the-board, half from Defense and half from domestic.

The agreement could have more impact in the Senate where neither a Congressional budget nor appropriations bills have surfaced. PL 112-25 could force Senate Democrats to adopt spending caps for individual appropriations bills akin to those the House has adopted.

The Senate Appropriations Committee will use the fiscal 2012 spending cap as a so-called 302(a) guide to establish so-called 302(b) spending ceilings for all its appropriations bills, a staff member said, without waiting for the Senate to develop a budget.

The Senate Democratic Policy & Communications Center also speculates that PL 112-25 may help prevent government shutdowns this fall.

"The effect of both facilitating the 302(a) allocations and establishing the security firewall under this debt-limit deal is that the legislation greatly reduces the odds of a budget standoff at the end of the current fiscal year on September 30," said the center in a memo obtained by *FPR*.

"While the various appropriations subcommittees will still need to reach agreement on how to meet their respective spending targets, and while it is always possible for congressional Republicans to try to hold up the FY12 spending bills over extraneous policy riders or other matters, the legislation significantly reduces the chances of a sequel to last spring's government shutdown drama," the center adds.

The agreement infuriates some environmentalists, such as William H. Meadows, president of The Wilderness Society. He predicted an "assault" on environmental spending.

"Congress continues to turn the thumb screws on our natural resources and on conservation funding," he said. "Congress had to reach an agreement on the debt ceiling issue but this is no cause for celebration. Now we'll suffer the consequences of its failures to solve our fiscal and environmental problems before they reached crisis levels."

Little noted in the budget debate is the fact that the agreement is not binding on Congress next year or on future Congresses. They can amend the agreement to their hearts' content, or even revoke it.

Campaign for Fort Monroe as NPS unit picking up steam

The drive to designate Fort Monroe in Virginia as a unit of the National Park System using the Antiquities Act of 1906 appears to be gaining traction. But for all the support one mighty catch remains - how to pay the hundreds of millions of dollars needed to restore the property.

At two Park Service hearings last month virtually all attendees supported the idea of designating the 565-acre Fort Monroe as (1) a national monument and (2) at the same time a unit of the National Park System, according to the *Virginia Pilot* newspaper.

Separately, the National Trust for Historic Preservation has collected more

than 5,000 signatures to a letter to the Interior Department supporting the monument/NPS unit.

Says the letter, "On the occasion of the 150th anniversary of the Civil War, there is no better place for the President to declare his first National Monument."

Supporters of a national monument include Gov. Robert McDonnell (R), the Virginia Congressional delegation, conservation groups, and historic preservation groups.

Fast action is requested by supporters. Under the 2005 Base Realignment and Closure Act Fort Monroe is scheduled to be removed from the jurisdiction of the Army September 15. The property is to be transferred to the Commonwealth of Virginia and to be overseen by the Fort Monroe Authority, a subdivision of the state.

The campaign could be tripped up by western Republicans who are critics of the Antiquities Act. Rep. Denny Rehberg (R-Mont.) may offer an amendment on the House floor in September to a fiscal year 2012 Interior spending bill (HR 2584) that would prevent the administration from designating any national monuments.

Virginia's U.S. senators say they envision a partnership arrangement for Fort Monroe, perhaps akin to the one that transferred the Presidio of San Francisco from the U.S. Army to the Park Service. As with Presidio, the problem is money. The cost of cleaning up the cultural and natural resources of the fort and could run into the hundreds of millions of dollars. Given the times, that kind of money just isn't available.

Still, Secretary of Interior Ken Salazar and NPS Director Jon Jarvis demonstrated their interest in the project June 29 when they travelled to Hampton, Va., for a "listening session" with supporters. Subsequently, NPS held two hearings on a possible transfer on July 19 in Hampton.

Jarvis in particular has been quite open about his desire to have the

base added to the National Park System. And, according to the *Virginia Pilot* newspaper, Salazar indicated last month that President Obama was considering use of the Antiquities Act to declare Fort Monroe a national monument within the National Park System.

Virginia Sens. Jim Webb (D) and Mark Warner (D) did write Obama June 29 and ask him to designate the site as a national monument. To emphasize the point Webb and Warner introduced legislation (S 1303) June 29 that would establish a Fort Monroe National Historical Park.

Fort Monroe lies on a neck of land across from Norfolk, Va., where the Atlantic Ocean meets the James River. The post oversees a complex set of water bodies that frame the cities of Hampton Roads, Norfolk, Portsmouth and Virginia Beach. It is the largest stone fortification in the country.

The fort was built between 1819 and 1834. It played both a tactical role in the Civil War and a racial role. Tactically, it was one of few Northern military bases that the South didn't occupy.

Racially, General Benjamin Butler made his famous declaration in 1861 that slaves were "contrabands of war" and would not be returned to their southern masters after capture.

In addition to the dozens of historic structures on the Fort Monroe site, there are sweeping open spaces, including a golf course, that hold great potential for recreation. Some of the developed sites are expected to remain with the State of Virginia and some may be used for commercial purposes.

Surface transportation bill put off until September

House and Senate committees have deferred work on a multi-year surface transportation bill until September, raising the likelihood of an extension of the old law, perhaps to the end of the year. The existing law expires September 30.

Both the House Transportation Committee and the Senate Environment and Public Works Committee have outlined the new legislation. Although the bills haven't been fleshed out they spell trouble for most park and rec programs, especially the House outline.

Both the House and Senate Committees have taken the crucial step of identifying spending ceilings for their bills. The overarching budget agreement reached by the House and Senate this week will help clarify if Congress will be able to finance the measures.

House Transportation Committee Chairman John Mica (R-Fla.) described a six-year surface transportation bill July 7 that, as expected, would provide little assistance to recreation. He said the bill would eliminate some 70 programs and delegate to states responsibility for dividing up appropriations money. State transportation departments traditionally have favored highway construction over recreation programs.

Unlike the existing surface transportation law the bill will probably set aside no money for transportation enhancements, recreational trails, scenic byways, Safe Routes to School and other recreation programs.

Senate Environment and Public Works (EPW) Committee leaders outlined a two-year surface transportation bill July 19 that would eliminate dozens of stand-alone programs.

EPW Chair Barbara Boxer (D-Calif.) and ranking Republican James Inhofe (Okla.) didn't identify programs that would be eliminated, but Boxer said that Safe Routes to School and recreational trails program would be retained.

Said Boxer to Inhofe at a committee hearing, "We need to have a strong core bill that maintains the spending levels we have now. You have also worked with us on Safe Routes to School because that's so crucial and we kept it and recreational trails and we kept it."

An EPW committee outline also says that federal lands roads will continue to be financed by the bill. The outline says the measure when fleshed out will "provide money for highway projects on Federal lands, tribal reservations, and roads that provide access to Federal lands. Agencies receiving funding include the National Park Service, the Forest Service, the Bureau of Indian Affairs, the Bureau of Land Management, the Army Corps of Engineers, and the Fish and Wildlife Service."

The Senate bill will be called MAP-21 after Moving Ahead for Progress in the 21st Century. The House bill has not been christened yet.

A House Transportation Committee spokesman confirmed that mark-up on a bill won't happen until September. This staffer said the fleshing out of the bill "continues to be a work in progress." Indeed, it is understood the committee still must make a dozen or more key policy decisions.

On the all-important money side the Senate committee bill and a House Transportation Committee bill will differ greatly.

Mica's outline of a bill would stay within the Highway Trust Fund and slash funding for surface transportation by more than \$16 billion per year to around \$27 billion. Boxer and Inhofe would continue existing spending levels of more than \$50 billion per year for two years. (Transportation-spending math doesn't always add up.) But Inhofe said the Senate measure would require an extra \$12 billion, presumably from appropriations.

OBAMA ADMINISTRATION: The administration's fiscal year 2012 budget recommended a \$556 billion six-year surface transportation bill or \$92.6 billion per year. The administration would provide robust funding for such outdoor programs as transportation enhancements, recreational trails, scenic byways and federal lands roads. It would consolidate them into a new "Livability" line item at \$4.1 billion. Comparable programs under the existing law received \$2.9 billion in fiscal 2010.

Air tour legislation hung up by Hill FAA disagreement

The House and Senate continue to play chicken over legislation to keep the Federal Aviation Administration (FAA) in business. The legislation also includes potential revisions to national park air tour policy.

In the latest battle the Senate and House have been unable to reach agreement on a temporary extension of existing FAA law while the new legislation is developed.

But this time their disagreement resulted in the closure of most FAA programs, except for air controllers and flight safety. The old law expired July 22 so FAA has been out of business since then, and will be until Congress returns in September.

The House and Senate disagreement over an extension bill (HR 2553) does not involve overflight policy. The disagreement centers on a program that subsidizes commercial air service to rural areas called the Essential Air Service (EAS). The House bill includes a provision that would eliminate the EAS in all states except Alaska and Hawaii. The Senate would prefer to retain the service for more rural areas.

The House and Senate have each approved long-term FAA extension bills (HR 658, S 223) that include quite different revisions to air tour policy over national parks. But the two parties have been unable to reach a final agreement and have extended the old law more than 20 times.

The House approved its multi-year FAA bill April 1. HR 658 would establish new aviation policy in general and overflight policy in particular for the next four years. Among other things the bill would exempt parks with 50 or fewer air tours per year from preparation of an air tour management plan. It would also allow FAA and NPS to develop "voluntary agreements" with air tour operators to allow overflights without a management plan.

The Senate approved its multi-year FAA bill February 17. S 223 would establish new aviation and air tour policy for just two years. It would in general tighten regulations governing overflights. Among other things the bill would attempt to clarify the air tour responsibilities of the Federal Aviation Administration and the Park Service.

The House approved the latest extension bill (HR 2554) July 20 and threw in the EAS provision. The Senate, led by commerce committee chairman Sen. John D. Rockefeller IV (D-W.Va.), refused to go along.

While the House and Senate differ on overflight policy the overarching issues before a House-Senate conference committee are the price of a bill (House, \$59.7 billion; Senate, \$34.6 billion), the length of a bill (House, four years; Senate, two years) and airline worker union election rules.

Indeed the two sides are actually quite close on the EAS issue, but in the politically-poisoned atmosphere in the Capitol they will jump at any excuse for a fight.

House may vote on curb on Grand Canyon area mining

The House at press time had not yet voted on an amendment that would support the withdrawal from mining of 1 million acres of public land near Grand Canyon National Park.

Supporters of the ban, led by Rep. James Moran (R-Va.), are expected to urge the House to strike a provision banning the withdrawal during consideration of a fiscal year 2011 Interior spending bill (HR 2584). The vote won't come until September because Congress left on an August vacation earlier this week.

When the bill was before the House Appropriations Committee July 12 Moran argued that the mining of uranium on public lands adjacent to Grand Canyon constituted a threat to the water in the park.

"How ironic that in the same bill where you prohibit the protection of Grand Canyon from uranium we have to appropriate funds to clean up pollution in the Navajo Nation from uranium mining," he said. "It has cost the taxpayer more than \$1 billion to clean up uranium tailings along the Colorado River in Utah."

Rep. Jeff Flake (R-Ariz.) countered that the risks to the park are vastly exaggerated. Besides, he said, environmentalists in Arizona struck a grand bargain with Arizona politicians in 1984. In exchange for the designation as wilderness 290,000 acres of Bureau of Land Management (BLM) lands and 834,000 acres of Forest Service lands they agreed to release other wilderness study lands to multiple use, meaning uranium mining.

"This language (in the bill) reflects the historic agreement that was reached between (former Rep. Morris) Udall (D-Ariz.) and (former Sen.) Barry Goldwater (D-Ariz.)," he said. Flake added "That's what this shelving of the ability to mine - not in the Grand Canyon, let's dispel that notion - is all about."

On the docket is a twin action of Secretary of Interior Ken Salazar on June 20. He ordered a six-month withdrawal of the 1 million acres of BLM and Forest Service lands from the filing of any new hard rock mining claims to block temporarily additional uranium development.

In step two, Salazar chose a preferred alternative to be analyzed in an EIS over the next six months that would carry out a 20-year withdrawal.

The million acres in question were first closed to new mining claims by a July 21, 2009, segregation notice. The notice had been scheduled to expire on July 20 until Salazar imposed the withdrawal for six months on June 28. The formal withdrawal would close the area for 20 years, save for valid existing rights.

Existing claims that hold valid existing rights theoretically can be

developed. But the mining industry fears that a 20-year withdrawal would effectively prevent development of all but a few claims.

Industry is concerned that only those claims that (1) already demonstrate a discovery of minerals and (2) demonstrate they could be economically developed would qualify for valid existing rights. Development of all other claims would be barred for the foreseeable future.

The Office of Management and Budget in a statement on HR 2584 objected to the policy provision. "The Secretary of the Interior is currently assessing the impact to water quality in Grand Canyon National Park to ensure that any future uranium or other mining activity in the area does not lead to the human health and environmental impacts seen from previous mining-caused contamination of ground water and drinking water supplies," said OMB.

The Northwest Mining Association praised the provision. "This is a big step and a significant victory for the mining industry, but much work remains to be done to prepare for the full House vote," the association said in a bulletin to its members just before the full House considered HR 2584.

House GOP, DoI set different priorities for 'wild lands'

House Republicans and Secretary of Interior Ken Salazar are going in opposite directions on the protection of conservation lands, broadly defined.

On July 19 Salazar said that Bureau of Land Management (BLM) state offices will soon begin to solicit from the public recommendations for wilderness lands, which Congress would then designate. Salazar intends to send a list of recommendations to the Hill this fall.

But the House July 27 voted to retain in a fiscal year 2012 Interior and Related Agencies appropriations bill (HR 2584) a provision that would bar the Interior Department from designating

any new 'wild lands.' That may not be necessary because Salazar has already said BLM will not on its own designate wild lands but will ask Congress to do so.

Perhaps of greater moment Rep. Denny Rehberg (R-Mont.) may propose in September an amendment to HR 2584 that would ban the designation of **national monuments** by the Obama administration without Congressional approval.

A ban on monument designation could be more consequential than a ban on wild lands because the Antiquities Act of 1906 has been used more than 100 times over the last decade to protect large tracts of American land.

Beginning with Teddy Roosevelt, 15 Presidents have designated national monuments ranging in size from the one-acre Fort Matanzas National Monument (managed by the National Park Service) in Florida to the 10,600,000-acre Yukon Flats National Monument in Alaska (now a wildlife refuge).

If Congress adopts a Rehberg amendment, it might simply forbid President Obama from designating national monuments. Or the amendment might allow Presidential designation of monuments under the condition that Congress would have to confirm the designations within two years.

The wild lands and monuments issues have long been a favorite target of western Republican Congressmen. Easterners have generally been partial to them. Most recently Virginia Sens. Jim Webb (D) and Mark Warner (D) wrote President Obama June 29 and asked him to designate Fort Monroe in Virginia as a national monument.

The House Appropriations Committee July 12 approved an extension through fiscal year 2012 of a ban on the wild lands program. It was inserted in HR 2584 on an amendment from Rep. Cynthia Lummis (R-Wyo.)

The ban is already in place through September 30 in a fiscal 2011 appropriations bill (PL 12-10 of April 15) and Salazar himself has pledged

not to designate any wild lands without Congressional approval.

The House Appropriations Committee also cast doubt on the BLM potential wilderness inventory, calling it one-dimensional. In a report accompanying the bill the committee said, "The Committee points out that inventories should, however, cover all land uses and multiple uses, not just lands with wilderness character. The values to be assessed include wildlife and fish habitat, non-motorized and motorized recreation, hunting, fishing, grazing, conventional and renewable energy development, mining, wilderness character, forest management and aesthetics."

In addition to the repeal of the wild lands policy western Republicans have demanded release of BLM and Forest Service wilderness study areas to multiple uses and repeal of a Clinton administration national forest roadless rule. Their most recent attack came in late May when five senators, led by Sen. John Barrasso (R-Wyo.), introduced legislation (S 1087) to accomplish those four goals. Rep. Kevin McCarthy (R-Calif.) has introduced a counterpart bill (HR 1581).

The House subcommittee on National Parks, Forests and Public Lands held a hearing on HR 1581 July 26.

Salazar's December 2010 wild lands Order #3310, which applies just to BLM-managed lands, is also being fought over in the courts. Backed by the State of Alaska, the State of Utah filed a lawsuit April 29 to block it. The states argued, just as Utah counties did in a previous lawsuit, that only Congress has the authority to designate wilderness, and the Interior Department policy usurps that authority.

The *Associated Press* reported last month that Utah and Alaska will continue to pursue their lawsuit even though Salazar promised not to designate any wild lands.

Notes

Haze amendment worries NPCA. The

House did NOT take up this week an amendment from Rep. Rick Berg (R-N.D.) that would have barred the EPA from tightening haze standards. Berg has introduced but not yet offered the amendment to the fiscal year 2012 Interior appropriations bill (HR 2584). The National Parks Conservation Association (NPCA) fears that the amendment would block attempts by EPA to reduce and/or eliminate pollutants from coal-fired power plants that lower visibility over national parks. "Treasured parks like Grand Canyon National Park, Olympic National Park, and Theodore Roosevelt National Park will see the protections promised to them by Congress in the 1977 Clean Air Act watered down in an effort to let coal-fired power plants continue spewing high levels of unhealthy and unsightly pollution," said Mark Wenzler, NPCA vice president for Climate and Air Quality Programs. The 1977 amendments to the Clean Air Act established an elaborate procedure for the states and EPA to follow to reduce haze over 156 Class I national parks and wilderness areas of more than 5,000 acres. And to prevent increases in haze. Although the 1977 amendments directed EPA and the states to write plans to clean up haze, little has been done, according to the environmentalists. But on Oct. 6, 2010, EPA proposed a rule to control pollution from the coal-fired Four Corners Power Plant. Berg's amendment would block that rule, and any other haze rule.

AGO: Historic landmarks named.

Remember the America's Great Outdoors (AGO) initiative? President Obama's bow to parks, recreation and conservation? It's still alive, sort of. As evidence Secretary of Interior Ken Salazar July 27 announced the designation of four national historic landmarks, one each in North Dakota, Oregon, Pennsylvania, and Oklahoma. "In designating these sites as National Historic Landmarks, we complement President Obama's America's Great Outdoors Initiative to reconnect people, especially young people, to our nation's historic, cultural, and natural heritage," he said. In that there are already 2,500 historic landmarks the new designations are kind of routine. The new landmarks are Lynch Quarry in Dunn Center, N.D.; the Aubrey Watzek House

in Portland, Ore.; the Schaeffer House in Shaefferstown, Pa.; and the Plat National Park Historic District in the Chickasaw National Recreation Area in Sulphur, Okla.

OHVs ask for Hill permit help.

The BlueRibbon Coalition is rallying its members and friends to ask Congress to reform the federal agency off-highway vehicle (OHV) recreation event permit process. The coalition said that the Forest Service and Bureau of Land Management (BLM) permit process has become excessively bureaucratic. And the coalition says the agencies deny permits because they are intimidated by environmental groups. Said the coalition in a recent alert to its members, "Recently, small 'club rides' have been threatened with fines for simply having small group rides on open, designated routes. Historic and popular competitive events, with little or no past history of problems, are now subjected to expensive analysis and unworkable management requirements. Special interest groups have learned that mere threats of opposition will paralyze land managers with fear and prevent applications from even being processed, let alone approved." The coalition recommends four changes to the law: (1) Minimal review for historic events held by non-commercial organizations; (2) Recognition of nonprofit organization permits as different than commercial operation permits; (3) Credit for work performed on improving trails against permit processing fees and (4) Free processing costs for the first 50 hours of agency work, even if the total number of hours exceeds 50. (Now the agencies charge for the first 50 hours when the total exceeds 50.) No bill has been introduced yet.

GOP opposition to Wodder mounts.

Republicans on two Senate committees have now registered serious reservations - if not outright opposition - to the nomination of Rebecca Wodder as assistant secretary of Interior for Fish and Wildlife and Parks. At a hearing of the Senate Energy Committee July 28 ranking Republican Lisa Murkowski (R-Alaska) expressed skepticism about Wodder's ability to

recuse herself from the evaluation of projects she has been involved with in the past as president of the American Rivers environmental group. More damning, Sen. John Barrasso (R-Wyo.) as much as said he can't support the nomination. "I remain concerned about your statements that I view as opposing domestic energy exploration," Barrasso said at the July 28 hearing. "You oppose oil and gas exploration. You oppose coal development. You have opposed hydropower. Based on your record there is no evidence you could provide a reasonable perspective in this very important position." As assistant secretary Wodder would set policy for the Park Service and the Fish and Wildlife Service. At a July 19 hearing on the nomination by the Senate Environment and Public Works (EPW) Committee ranking Republican James Inhofe (R-Okla.) called Wodder a "left-wing extremist." Separately, 40 House Republicans said Wodder's work as president of American Rivers cast doubt on her independence. "We seriously question whether she could adequately represent broader and more balanced interests at the federal level, especially at a fragile economic time with national unemployment exceeding nine percent," the House members wrote in a letter to committee senators. At the EPW hearing committee chair Barbara Boxer (D-Calif.) did vigorously defend the nominee.

Burke named to key DoI position.

The Interior Department July 27 named a Bureau of Land Management (BLM) deputy director, Marcilynn Burke, as acting assistant Secretary of Interior for Land and Minerals Management. In that post she will set policy for BLM, the Bureau of Ocean Energy Management, Regulation and Enforcement, and the Office of Surface Mining Reclamation and Enforcement. She will replace Wilma Lewis, who has accepted a commission as Judge for the District Court of the Virgin Islands. The Senate approved Lewis's appointment in June. Before taking the position at BLM Burke had worked at the University of Houston Law Center as an associate professor. Before that she was with the law firm of Cleary, Gottlieb, Steen & Hamilton in Washington, D.C. At BLM Burke served as

deputy director for policy.

GOP backs costly Vicksburg buy.

Mississippi's conservative Republican senators have sponsored a bill (S 265) to expand Vicksburg National Military Park that could cost as much as \$28 million. Sens. Thad Cochran and Roger Wicker's bill was subject to a generally laudatory hearing July 28 by the Senate subcommittee on National Parks. Said NPS Deputy Director Peggy O'Dell, "The (Interior) Department supports S 265. This bill would enable the National Park Service to add three separate battlefield sites to Vicksburg National Military Park, which would each make significant contributions to telling the story of the remarkable campaign that resulted in the Union Army's capture of the city of Vicksburg during the Civil War." The bill would authorize the acquisition of property at three battlefields - Champion Hill, Port Gibson and Raymond. O'Dell said the bill would authorize the addition of up to 11,680 acres. More than 2,000 acres would be donated, including 1,050 acres in fee and 1,172 acres in easements. Those lands are held by the State of Mississippi, Civil War Trust and Friends of Raymond. But the rest of the 11,680 acres would have to be bought and would cost between \$16 million and \$28 million, O'Dell said.

NACD chooses Larson as head. The National Association of Conservation Districts (NACD) announced July 21 that it has selected John Larson from the State of Washington as its new CEO. Larson most recently headed up the Washington Association of Conservation Districts as executive director.

Conference calendar

SEPTEMBER

4-8. **American Fisheries Society** annual meeting in Seattle. Contact: American Fisheries Society, 5410 Grosvenor Lane, Suite 110, Bethesda, MD 20814-2199. (301) 897-8616. <http://www.fisheries.org>.

6-9. **National Association of State Park Directors** annual meeting at Custer State Park in South Dakota. Contact: Philip K. McKnelly, NASPD Executive Director, 8829 Woodyhill Road Raleigh, NC 27613.

(919) 676-8365. <http://www.naspd.org>.

OCTOBER

4-6. **Outdoor Industry Association Rendezvous** in Portland, Ore. Contact: Outdoor Industry Association, 4909 Pearl East Circle, Suite 200, Boulder, CO 80301. (303) 444-3353. <http://www.outdoorindustry.org>.

5-10. **The Wildlife Society** annual meeting in Waikoloa, Hawaii. Contact: The Wildlife Society, 5410 Grosvenor Lane, Bethesda, MD 20814-2197. (301) 897-9770. <http://www.wildlife.org>.

12-14. **Sportfishing Summit** in New Orleans, La. Contact: American Sportfishing Association, 225 Reinekers Lane, Suite 420, Alexandria, VA 22314. (703) 519-9691. <http://www.asafishing.org>.

13-16. **Land Trust Alliance** rally in Milwaukee. Contact: Land Trust Alliance, 1331 H St., N.W., Suite 400, Washington, DC 20005-4711. (202) 638-4725. <http://www.lta.org>.

19-22. **The National Trust for Historic Preservation** annual conference in Buffalo, N.Y. Contact: National Trust for Historic Preservation, 1785 Massachusetts Ave., N.W., Washington, DC 20036. (202) 588-6100. <http://www.nationaltrust.org>.

NOVEMBER

1-4. **National Recreation and Park Association** congress and exposition in Atlanta. Contact: National Recreation and Park Association, 22377 Belmont Ridge Road, Ashburn, VA 20148. (703) 858-2158. <http://www.nrpa.org>.

2-4. **National Forest Recreation Association** annual conference in Scottsdale, Ariz. Contact: National Forest Recreation Association, P.O. Box 488, Woodlake, CA 93286. (559) 564-2365. <http://www.nfra.org>.

8-12. **National League of Cities** annual Congress of Cities in Phoenix. Contact: National League of Cities, Conference and Seminar Management, 1301 Pennsylvania Avenue, N.W., Washington, DC 20004. (202) 626-3105. <http://www.nlc.org>.