

Federal Parks & Recreation

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Big budget deal dies; new approps plan in the works

The failure of a budget super committee to reach agreement on a 10-year deficit reduction plan a fortnight ago may not have serious, immediate impacts on park and rec spending.

Although the committee's inability to reach an agreement theoretically triggered an automatic across-the-board reduction in domestic and military spending, that trigger won't be pulled until 2013. In the meantime Congress can use the work of the super committee as a guide to revise long-term budgets.

As for fiscal year 2012 spending, House and Senate appropriators are assembling a comprehensive continuing resolution (CR) to fund the nine remaining spending bills throughout the year. The appropriators face a December 16 deadline. That's when the last temporary extension (PL 112-55 of November 18) is due to expire.

A lead park and rec spending bill - for the Interior Department and Related Agencies - will present House and Senate conferees with a particularly difficult chore.

A House Appropriations Committee-passed version of the measure (HR 2584) would provide \$1.8 billion less than a version prepared by the Senate Appropriations Committee. The House bill contains \$27.5 billion. The Senate mark contains \$29.3 billion.

On the rider front the House version of HR 2584 contains several major policy initiatives not in the Senate mark such as a bar on

designating wild lands, a bar on a proposed administration wetlands policy, a bar on a proposed withdrawal of mining lands near Grand Canyon National Park and limitations on Forest Service off-highway vehicle rules.

The Senate mark contains one jumbo rider not in the House bill - designation of wilderness and special management areas in Montana. It also contains a rider to designate a Blackstone River Valley National Historical Park in Rhode Island and Massachusetts.

That the appropriators are working on a CR may spell trouble for all riders. Conferees on comprehensive bills always attempt to develop as clean a bill as possible to avoid floor confrontations, meaning few or no riders.

APPROPRIATIONS BILLS STATUS

* **AGRICULTURE BILL:** The measure was enacted as part of the law (PL 112-55) that extends spending for other departments into mid-December. The law provides \$350 million less in fiscal 2012 than in fiscal 2011 for discretionary spending for the Department of Agriculture. For conservation programs the law provides \$45 million less, or \$844 million total.

Sportsmen were particularly upset that the law allocated no money to an Open Fields program that encourages private landowners to host hunting and fishing on their properties.

Said Jennifer Mock Schaeffer, Farm Bill coordinator for the Association of Fish & Wildlife Agencies, "While the necessity of reducing federal spending is inarguable, the truth is that Farm Bill conservation programs like (Open Fields) are critical to the more than \$95 billion in economic activity annually contributed by hunting and angling. We are deeply disappointed by the shortsighted decision to completely eliminate fiscal year 2012 funding for (the program), which can help stabilize an economy already taxed to the point of collapse."

* **TRANSPORTATION BILL:** The measure

was enacted as part of the law that extends spending for other departments into mid-December. It allocates \$39 billion for highway programs, or the same amount authorized by an existing surface transportation law.

* **ENERGY AND WATER BILL:** The Senate has been working on the bill for close to a month in order to complete a stand-alone appropriations measure. The House July 15 approved its bill (HR 2354) that would, among other things, block the proposed new Obama administration wetlands permit policy. The Senate bill does not include the wetlands rider, yet.

* **INTERIOR BILL:** The House spent a week in July working on the Interior bill but did not complete it. As for the Senate version of an Interior and Related Agencies appropriations bill, Senate Appropriations Committee leaders October 14 produced a draft with numbers significantly higher than those in the House bill.

In the Interior bill the House has been in general tough on "conservation" programs, such as the Land and Water Conservation Fund, heritage areas, state and wildlife conservation grants and historic preservation grants. Federal land managers are doing a bit better in the House bill, with Park Service and Forest Service appropriations in the neighborhood of fiscal 2011 numbers.

INTERIOR BILL RIDERS

GRAND CANYON MINING: House bill. House Democrats may offer a floor amendment 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.

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.

MONUMENTS DESIGNATIONS: House bill. Rep. Denny Rehberg (R-Mont.) may propose an amendment 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.

If the House takes up 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 confirm a designation within two years.

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

CALIFORNIA OHV ROUTES: House bill. The provision would direct the Forest Service in California to allow 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).

MONTANA WILD LANDS: Senate bill. Based on legislation from Sen. Jon Tester (D-Mont.), this provision would designate 669,100 acres of wilderness and protect another 336,000 acres of special management areas in the Kootenai, Beaver Head-Deerlodge and Lolo National Forests and adjacent Bureau of Land Management properties. Tester faces a tough reelection battle with Rep. Denis Rehberg (R-Mont.)

BLACKSTONE RIVER VALLEY NATIONAL HISTORICAL PARK: Senate bill. This rider would establish a new national park in Massachusetts and Rhode Island - a Blackstone River Valley National

Historical Park. On October 13 the four senators from the two states along with four House members introduced a stand-alone bill (S 1708, HR 3191).

SUPER BUDGET COMMITTEE FAILURE

The failure of the super budget committee, formally the Joint Select Committee on Deficit Reduction, triggers an automatic across-the-board budget reduction of \$1.2 billion over 10 years. The trigger would be pulled in January 2013. So Congress by then could pass some modifying budget legislation.

As for park and rec programs, if and when the trigger is pulled, they would be susceptible to as much as a five percent spending reduction each year, again across-the-board.

The budget committee was besieged by recommendations by line Congressional committees and the public alike. Those recommendations, particularly from the Congressional committees, could form a template for any further budget actions next year.

Few committee recommendations addressed conservation specifically. The House Natural Resources Committee did infer that the administration should sell off some federal lands, perhaps even national parks.

A huge conservation alliance was forged in October to ask Congress to go easy on their favored programs, both in immediate appropriations bills and in a 10-year budget.

The coalition, ranging from environmentalists to sportsmen to historic preservationists, said with one voice: Conservation programs make money. To cut them would, in the long term, reduce jobs and revenues for communities and for the federal government.

"The Federal budget cannot and should not be balanced disproportionately on the backs of conservation, outdoor recreation and preservation," the 1,000 groups allied as America's Voice for Conservation, Recreation and Preservation (AVCRP) wrote Congressional leaders. "Doing so will impose on the future generations

whose well-being depends on the conservation and preservation of our common natural and historic resources."

Among others the 1,000 groups include, alphabetically, the AFL-CIO, the American Recreation Association, the National Association of State Park Directors, the National Trust for Historic Preservation, the Outdoor Industry Association, the Theodore Roosevelt Conservation Partnership, The Wilderness Society, and representatives of local governments and outfitters.

The Joint Select Committee on Deficit Reduction, as it is formally called, is (or was) cochaired by Sen. Patty Murray (D-Wash.) and Rep. Jeb Hensarling (R-Texas).

House strategy for highway bill faces uncertain future

House Republican leaders a fortnight ago adopted a risky new strategy for moving a surface transportation bill: They plan to attach it to a package of energy bills that will likely fail.

The strategy calls for using the revenues from energy development - as laid out in three distinct bills - to help pay for the transportation bill. The transportation bill, yet to be fleshed out by the House Transportation Committee, is \$12 billion short of the \$40 billion per year needed to pay for it.

Speaker of the House John Boehner (R-Ohio) said he intends to wrap the three energy bills and the transportation bill into one measure (HR 7) in the next two weeks.

The strategy is high risk because the energy bills are high risk. One of them (HR 3407) would authorize oil and gas leasing in the coastal plain of the Arctic National Wildlife Refuge. Congress has rejected that proposal time and again in the last 20 years.

A second bill (HR 3408) would expedite oil shale development in Colorado, Utah and Wyoming. However,

commercial oil shale production is likely ten years away from being a reality. A third energy bill (HR 3410) would accelerate offshore oil and gas development.

Dave Alberswerth, a public lands staff member for The Wilderness Society, told us the House Republicans' energy numbers don't add up. "The whole thing is just blowing smoke," he said.

As for a transportation bill itself the House Transportation Committee, if it keeps to Boehner's schedule, is expected to flesh out a roads policy to insert in HR 7 in the next two weeks. The committee under chairman John Mica (R-Fla.) has posted a very general outline of a bill.

Although a Senate committee November 9 approved a two-year surface transportation bill that would reauthorize several recreation programs (S 1813), the measure also may not go far because Senate Democrats haven't come up with the money to pay for it.

On the recreation and parks front the Senate committee bill would eliminate major stand-alone recreation programs, including transportation enhancements, scenic byways, recreational trails and Safe Routes to School.

They would be included in a consolidation of 90 existing programs into 30 broader programs. Recreation would then have to compete with other programs for money.

S 1813 would retain federal and Indian highway spending as a discrete program with a specific allocation. It would provide \$300 million per year for federal land roads (with \$260 million for the Park Service and Fish and Wildlife Service combined). Federal access roads would receive \$250 million per year.

Recreation funding was the single most debated issue during a November 19 Senate Environment and Public Works Committee mark-up of the surface transportation bill - called Moving Ahead for Progress in the 21st Century.

The Senate and House do have a little time to complete a surface transportation bill because Congress approved an extension of an existing law - the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users - until March 31 (PL 112-30 of September 16).

In the Senate the long knives have been out for transportation enhancements (TEs), with at least four attacks against the program over the last year.

Most recently, on November 1 the Senate defeated an attempt to shut off TE money, period. The Senate rejected an amendment from Sen. Sen. Rand Paul (R-Ky.) that would have diverted all TE money to bridge repairs. The vote was 38-to-60.

In a previous attack on TEs Sen. John McCain (R-Ariz.) on October 19 asked the Senate to forbid the spending of TE money on seven conservation-related uses. The vote was 59-to-39 against.

Both the McCain and Paul amendments were offered to a Senate Transportation Appropriations bill (HR 2112). McCain would have barred expenditures on such things as scenic highways, landscaping and historic preservation.

Separately, Paul and other Mid-Western Republicans introduced a bill (HR 3085, S 1648) recently that would eliminate TEs.

The sponsors of the bill from Kentucky and Indiana are looking for money because of the closure of the Sherman Minton Bridge that carries Interstate 64 between Louisville, Ky., and southern Indiana. The bridge developed cracks last month and needs some \$20 million in repairs.

In still another recent attack Sen. Tom Coburn (R-Okla.) in September prepared an amendment to an interim surface transportation bill (PL 112-30 of September 16) that would also have forbid the distribution of any highway money for transportation enhancements. He later withdrew the amendment.

Target shooting limits ring alarms; Salazar backs off

Proposals by the Bureau of Land Management (BLM) to limit target shooting on the public lands have touched off a national controversy about gun use on all federal lands.

Under pressure from conservationists and outdoor groups as well as the National Rifle Association, Secretary of Interior Ken Salazar ordered a withdrawal of any new immediate restrictions on target shooting on public lands.

In a November 23 memo Salazar directed BLM Director Bob Abbey to "take no further action to develop or implement" a draft policy on recreational shooting.

"By facilitating access, multiple use and safe activities on public lands, the Bureau of Land Management helps ensure that the vast majority of the 245 million acres it oversees are open and remain open to recreational shooting," he said in the memo.

BLM has more than one target hunting initiative in the works. The main one consists of a draft policy that, although it has not been made public, was presented to a Wildlife and Hunting Heritage Conservation Council at its November 15 and 16 meeting.

The draft didn't explicitly propose the elimination of any tracts from target shooting. But it did suggest BLM planners consider eliminating areas.

"Land use plans or plan amendments should directly address recreational shooting when recreational shooting is raised as an issue in external or internal scoping," said the proposed guidance. "Plans should consider areas that may remain open to dispersed shooting, as well as considering areas that may be more appropriately closed to shooting or areas where shooting may be restricted."

Separately, BLM proposed in August

a ban on target shooting on 400,000 acres of Arizona's Sonoran Desert National Monument (SDNM).

Said the bureau of a GIS (Geographic Information System) analysis, "The GIS analysis indicated that approximately 389,989 acres, or 20 percent, of the SDNM could be adversely impacted by recreational target shooting and is unsuitable for such activity. The GIS analysis also indicated that of the remaining 96,411 acres, or 20 percent, of the SDNM, eight sites appear to have sufficient slope to allow safe target shooting."

Rep. Floyd Flake (R-Ariz.) responded by introducing a bill (HR 3440) November 17 that would authorize target hunting in all national monuments managed by BLM, not just the Sonoran Desert. The only exceptions, said Flake and his 18 cosponsors, would be for national security, public safety and compliance with other federal laws.

Also influencing Salazar was the reaction to the broader, national policy of the Wildlife and Hunting Heritage Conservation Council (WHCCC), an advisory board established under the Federal Advisory Committee Act to assist the Fish and Wildlife Service.

The WHHCC said, "While it may not be the intent, the tone of the policy gives the Council concern that it could pave the way for easy closure of recreational shooting sites when any of the situations (as noted above) arises, regardless of the offending party. It suggests that recreational shooting is being held to a higher standard of stewardship; that the BLM is possibly more tolerant of issues when associated with other recreational activities."

The "situations" the WHHCC referred to include such things as destruction of resources, unsafe or unethical behavior and littering.

Said Sen. Lisa Murkowski (R-Alaska), "I've got a real concern about this, as most of my constituents in Alaska clearly do. The last time the Department of Interior attempted to regulate guns, we ended up with the Guns

in Parks legislation. This is something that would cause a great deal of concern and angst."

Murkowski, ranking Republican on the Senate Energy Committee, was referring to a controversy that erupted in 2008 when the Bush administration issued a rule to allow visitors to national parks to carry guns, if state laws allowed concealed weapons in state parks and refuges.

After a federal judge ruled that the Bush administration had failed to prepare an EIS, Congress jumped in and passed legislation that directed the Park Service and the Fish and Wildlife Service to allow visitors to carry concealed weapons. That provision was enacted as an amendment to a credit card processing law on May 22, 2009, as PL 111-24.

How-to guide to healthy eating in all parks is out

A national campaign to promote healthy eating in the national parks took a major step last week by publishing a guide to providing better, locally-grown food to park visitors.

The guide advises parks at all levels and their concessioners on specific strategies they can adopt to respond to the national demand for healthy food. "Now is the time to act on this growing trend by providing healthy, sustainable foods in our parks. To do so is entirely possible, affordable, and profitable," says the report: *Food for the Parks: A Roadmap to Success*.

The report was prepared by a consortium of NPS officials, concessioners, health professionals and food providers. The consortium in turn grows out of an Institute at the Golden Gate that promotes healthful living, particularly in the national parks.

Even though the Park Service already has a Healthy Parks Healthy People program the report says visitors to parks are not provided with sufficient healthy food options. "Billions of

meals are served annually to visitors of our nation's 10,000 national, state, city and regional parks. Yet many of these meals are low-quality and unhealthy," says the report. "Consequently, our park visitors miss a powerful educational opportunity about the connection between parks, natural resources, and health."

So the report advises parks and concessioners of steps they can take to improve the food they provide their customers. The report "provides options that can be implemented by any organization regardless of size, location, or current depth of sustainability efforts," it says.

The authors say the guidance is not one size fits all: "Understanding that all regions vary significantly in terms of access and climate, this report aims to provide guidance for incremental improvements in sustainable and healthy food procurement and green operations, as well as tracking associated metrics, relevant to concessioners in every region and park system—large and small."

Park visitors are more environmentally conscious than the general public. According to a study by the Government Solutions Group, the report says, "(S)tate park visitors are 2.5 times more likely than the general population to rank environmental issues as 'very important' and purchase organic foods twice as often as the rest of the U.S."

Although the report addresses healthful eating at all levels of government, it also serves as a piece of an ambitious Park Service renewal initiative titled *A Call to Action*. That initiative, published August 25 in anticipation of the system's Centennial in 2016, lays out a 36-point program. One of those points is more healthful eating in the parks.

The NPS *Call to Action* tries to avoid expensive new programs. As close as it comes to recommending more money is a call for a \$1 billion legacy endowment to be assembled from philanthropic sources.

To make sure the report gains traction and does not sit on a shelf the Park Service and partner groups are planning a *Call to Action* implementation summit in Washington, D.C., on January 24-26.

The *Food for the Parks* report and information about it are available at Instituteatthegoldengate.org.

Utah and two counties seek hundreds of RS 2477 ROWs

The State of Utah last month filed two massive lawsuits seeking title to a total of 804 roads across public lands in the state, including through a unit of the National Park System.

Some of the rights-of-way sought by Utah cross conservation lands such as the Glen Canyon National Recreation Area managed by NPS and the Grand Staircase Escalante Monument managed by the Bureau of Land Management (BLM). The state filed the lawsuits in tandem with Kane and Garfield Counties.

Utah Gov. Gary Herbert (R) said the state took the action because BLM was not maintaining ROWs used by Utah residents and visitors. "The BLM has completely ignored local and state requests for local control of vital roads within the public lands, instead choosing to unilaterally close roads and restrict access enjoyed by Utahns for decades, contrary to the protections with FLPMA of 1976," said Herbert.

FLPMA is the Federal Land Policy and Management Act that authorized the states to claim title to old ROWs used before 1976 pursuant to the Mining Law of 1866, also called Revised Statute 2477, or RS 2477.

In a landmark 2005 court decision, *Southern Utah Wilderness Alliance v. BLM, Nos. 04-4071 & 04-4073 of Sept. 9, 2005*, the Tenth U.S. Circuit Court of Appeals ruled that the Interior Department could not adjudicate the validity of RS 2477 ROW assertions. It said only a federal court could.

So the State of Utah and the

two counties are now seeking court validation to the RS 2477 ROWs in Kane and Garfield Counties.

The National Trust for Historic Preservation in a bulletin to its members said preservationists worry about the lawsuits' "potential impact for setting a broader precedent that could affect the management of natural and cultural resources on public lands." In other words they fear that if Utah wins these cases other western states will follow suit.

The 1,365-page - yes, 1,365-page - Kane County suit seeks title to 710 road segments. Most of the complaint describes roads being sought. Only 35 or so pages consist of legal arguments. The Garfield County suit seeks 94 segments of roads. The suits were filed before U.S. District Court Magistrate Brooke C. Wells in Utah November 10 and announced in a state press release November 14.

The Kane County lawsuit says the county needs control over the claimed ROWs. "Plaintiff's public highways serve the vital function of linking communities," says the Kane County brief. "Due to the rugged terrain in Kane County, each of the roads claimed herein is incredibly important because there is rarely an alternate route."

The lawsuit complains that Interior Department agencies have not maintained roads and have threatened Kane County for trespass when the county attempts to maintain roads.

Says the suit, "DOI's adverse actions have impaired Kane County's right and authority to conduct critical routine maintenance on the roads claimed herein, and many are in need of repair. Upon confirmation of Plaintiffs' title, Kane County will immediately resume routine maintenance, repair and management of these roads."

The suit adds, "Due to the serious hazards and closures, Kane County is currently conducting critical repairs and limited maintenance on some of the roads for purposes of public safety. However, due to DOI's threats and

actions, even these necessary activities leave Kane County at risk of yet another trespass action."

Newest Point Reyes oyster study gives everyone ammo

Still another study has weighed in on the environmental impacts of an oyster farm at Point Reyes National Seashore on seal populations in the area.

This time the Marine Mammal Commission concluded after a two-year study that oyster farming may harm harbor seal habitat, but how much harm it does is unclear from the data.

The study gives supporters of the oyster farm, including Sen. Dianne Feinstein (D-Calif.), backing when it says, "The Marine Mammal Commission believes that the data supporting the above analyses are scant and have been stretched to their limit."

But it then gives the Park Service support for its past argument that the oyster farm should be closed, saying, "Nevertheless, the analyses in Becker et al. (2011) provide some support for the conclusion that harbor seal habitat-use patterns and mariculture activities in Drakes Estero are at least correlated."

Finally, the study adds that past NPS analyses aren't conclusive when it says, "(T)he data and analyses are not sufficient to demonstrate a causal relationship. Additional, carefully guided study would be required to determine if the apparent relationship is one of cause and effect."

Despite the circumspection of the commission, opponents of the oyster farm permittee, Drakes Bay Oyster Company, say the report proves that oystering harms seals. "Hopefully, this latest report will finally snuff out the political jihad waged against Park Service scientists at Point Reyes," said Public Employees for Environmental Responsibility Executive Director Jeff Ruch.

He added, "The report shows

there is reason to be concerned about the effects of commercial shellfish operations on the marine environment – especially in a national seashore.”

The great Point Reyes oyster controversy erupted most recently September 26 when the Park Service completed a draft EIS on the permissibility of extending a 40 year-old special use permit that allows the Drakes Bay Oyster Company to take oysters from the seashore.

Although the draft EIS did not pick a preferred alternative, Sen. Dianne Feinstein (D-Calif.), a supporter of the oyster farm, criticized the Park Service for excluding evidence that she says proves the oyster farm is harmless. Feinstein and the permittee believe that the Park Service wants the area designated as wilderness.

The Drakes Bay Oyster Company has operated an oyster farm and cannery within Point Reyes for more than 60 years, providing 30 jobs to the local economy. The company’s permit to operate within the park is scheduled to expire on Nov. 30, 2012.

In 2009 Feinstein, at the time chairman of the Senate subcommittee on Interior Appropriations, inserted in a fiscal year 2010 appropriations law (PL 111-88 of Oct. 30, 2009) a rider giving NPS *discretion* to renew the existing permit for 10 years. While the provision is discretionary, Feinstein has made it clear the permit should be issued for another 10 years. And NPS is undoubtedly hesitant to anger the influential appropriator.

Feinstein was reportedly so angry in the summer of 2009 that she held up the nomination of Jon Jarvis as NPS director because he had supported the termination of the oyster farm when he was Pacific West Region director.

The Marine Mammal Commission entered the picture in 2009 when it agreed to review three analyses conducted by the Park Service on the impact of the oyster farm on harbor seals. The commission also evaluated statistical reviews conducted on behalf

of supporters of the oyster farm.

The commission found fault with all the analyses, usually objecting to the use of one factor to justify arguments. It cautioned that if the permit is extended, NPS should be allowed to alter its management policies as new data is discovered.

“If the Secretary decides to renew the Reservation of Use and Occupancy and a Special Use Permit issued to Drakes Bay Oyster Company, then the Commission believes that he also should require the Park Service to implement an adaptive management approach that, if done well, should address the various weaknesses and gaps in the available data,” said the commission.

The report is at http://www.mmc.gov/drakes_estero/welcome.shtml.

More local land was protected last decade than developed

Despite the struggling national economy. Despite Congressional demands for draconian budget cuts. Despite widespread criticism of environmental lock-ups.

Despite all that, at the state and local level more lands have been set aside for conservation since 2005 than has been lost to development. That is according to a new census of land trusts from the Land Trust Alliance.

In addition the alliance said state and local conservation voter initiatives far outperformed the Land and Water Conservation Fund. While the fund, taking a 38 percent appropriations reduction, added just over 500,000 acres of conservation land since 2005, state and local initiatives were conserving 10 million acres.

“Americans value their land, and they are conserving it at the local level,” said Land Trust Alliance President Rand Wentworth. “While government is shrinking, local land trusts are saving more land than is lost to development.”

The *National Land Trust Census*, released by the alliance, said that "voluntarily protected land increased 27 percent between 2005 and 2010." And, it said, "A greater percentage of the new acreage comes through local and state land trusts working within local communities. A total of 47 million acres – an area over twice the size of all the national parks in the contiguous United States – are now protected by land trusts."

Land trusts control significant amounts of money. According to the *Census*, they hold \$1.677 billion. Of that \$683 million is allocated to an operating endowment, \$515 million to land acquisition, \$283 million to monitoring and legal defense, \$169 million to monitoring and \$28 million to straight legal defense.

As one would expect California protects the most land, 2,303,442 acres. Surprisingly, the number-two state is the relatively small eastern State of Maine, with 1,796,387 acres. Much of that is in the form of easements to protect the Maine Woods that some conservationists and preservationists would like to make a national park. Colorado is third with 1,225,050 acres.

The Land Trust Alliance, which tracks conservation voting initiatives, reports that the public continues to support preservation measures. In the Nov. 2, 2010, election, the alliance said, "Overall, 29 of 35 state and local land conservation funding measures were approved, generating over \$2 billion in new funding. This 83 percent approval rate is the highest during the past decade and the third highest rate since 1988."

The principal author of the *National Land Trust Census* report was Katie Chang, information services manager for the Land Trust Alliance. The alliance said it collected data for the report from January to September 2011.

The report is available at <file:///localhost/shhttp://www.landtrustalliance.org/land-trusts:land-trust-census:census>.

GOP assails FS planning rule before it is completed

With comprehensive new Forest Service planning guidance due out this winter, a House subcommittee last month held a hearing to put a few shots across the agency's bow.

Among other things Republicans on the House subcommittee charged that the proposed guidance of February 14 would be too complex, too restrictive and too bureaucratic.

Subcommittee on National Parks, Forests and Public Lands Chairman Rob Bishop (R-Utah) criticized the draft plan of February 14, saying, "My fear is we are on the road to a confrontation between Congress and the Forest Service and indeed the people who live in these areas and by these areas, if some accommodations are not made."

The critics offered few specifics but one of their consistent concerns has been that the draft rule would establish a new standard of "ecologically sustainable." They fear that the term could bar almost any damage to the environment from commercial uses.

Indeed last spring a coalition of recreation industry and user groups laid out their substantive complaints about the proposed rule, particularly the proposal to make recreation environmentally and fiscally sustainable. The Coalition for Recreation in the National Forests argued that the proposal infers that recreation use in an undefined way (1) must not degrade the environment and/or (2) must pay its own way.

Signing the comments were, among others, the American Motorcyclist Association, the American Sportfishing Association, Americans for responsible Recreational Access, the BlueRibbon Coalition, the National Forest Recreation Association, the National Rifle Association and the Western States Tourism Policy Council.

Forest Service Chief Tom Tidwell addressed the sustainability issue

last month in his statement to the subcommittee, "The goal is to produce an efficient planning process to guide management of NFS lands so that they are ecologically sustainable and contribute to social and economic sustainability, with resilient ecosystems and watersheds, diverse plant and animal communities, and the capacity to provide people and communities with a range of social, economic, and ecological benefits now and for future generations."

Ranking subcommittee Democrat Rep. Raúl M. Grijalva (D-Ariz.) backed the Forest Service in a general way. "While these and other Forest Service policies are not perfect," he said, "they also are not part of a vast conspiracy to lock up federal lands. They are not ill-informed nor are they developed in secret."

The service also made news November 14 when it announced that at the time the final regulations are issued, the agency would establish a Federal Advisory Committee to oversee implementation.

This is not a committee of scientists that would be used to write the final rule. Environmentalists have campaigned for such a committee but commercial users of the public lands complain that previous committees of scientists have delayed completion of regulations by years.

The service said it would announce this winter a request for nominations to the advisory committee. Bishop recommended that Tidwell use the committee to implement the rule. "My hope also is you would use that group to look at the rule itself and to see if there are some problems in that rule before you actually start on the implementation of it," he said.

On the substantive policy front, when the Forest Service proposed the regulations February 14 a large coalition of Congressmen who tend to support user groups complained bitterly. Fifty-nine House members asked Secretary of Agriculture Tom Vilsack to direct the Forest Service to rewrite the February draft because it was excessively complex

and expensive. They were led by Reps. Greg Walden (R-Ore.) and Mike Ross (D-Ark.)

From the other side 67 House members asked the Forest Service to be more protective of the environment. The two House letters were some of 150,000 public comments to the Forest Service

The proposed rule and comments on it are available at <http://www.fs.usda.gov/planningrule>.

Notes

House panel to hear lands bills.

A House subcommittee had scheduled a hearing for today (December 2) on ten lands bills, including a measure (HR 2504) to establish a Coltsville National Historical Park in Connecticut. Most of the rest of the bills involve minor amounts of acreage, such as a bill to designate 4,100 acres of the Olympic National Park as wilderness. The Coltsville site would recognize a group of landmarks on 200 acres in Hartford. Those landmarks include the homes of Mark Twain and Harriet Beecher Stowe, as well as the Hartford River. Rep. John Larson (D-Conn.) introduced the bill. The Senate Energy Committee held a hearing on a counterpart Senate bill (S 1347) October 19. Moving individual lands bills through this Congress will not be easy because the objection of just one senator can stop a bill. And a Coltsville park would require \$300,000 per year to manage. In addition House Natural Resource Committee Republican leaders object to an omnibus bill, which is usually the most effective way to overcome Senate holds. Today's hearing was scheduled by the House subcommittee on National Parks, Forests and Public Lands.

Weideman named to NPS post.

The Park Service announced the appointment November 29 of Richard Weideman as assistant NPS director for partnerships and a host of other programs. He has been serving as acting assistant director, one of the eight assistant directors in the service. Weideman will continue to oversee state and local assistance programs, recreation programs and philanthropy for the agency. Before

becoming acting assistant director Weideman headed up the Partnership and Philanthropic Stewardship Office. He has been with the Park Service since 1981.

Paterson NPS unit official anew.

In the last issue of *FPR* we advised that Secretary of Interior Ken Salazar and New Jersey officials signed paperwork November 7 that officially designated the 397th unit of the National Park System - Paterson Great Falls National Historical Park. To make it even more official the Park Service published a *Federal Register* notice November 21 announcing that Salazar has established the park. The 35-acre site combines the natural beauty of a 77-foot waterfall with the historical significance of the manufacturing plants the waterfall spawned. Joining Salazar at a November 7 signing ceremony were the state's senators, Rep. Bill Pascrell (D-N.J.), Paterson Mayor Jeffrey Jones and NPS Director Jon Jarvis. Congress authorized the historic site as a National Park System unit in an omnibus lands law (PL 111-11 of March 30, 2009) that included more than 160 individual bills. The formal designation was delayed while the city and the Park Service worked out easements and property transfers at the site. On November 14 the Park Service announced its intention to prepare a management plan and EIS for the site. The process will begin with scoping meetings at times and places to be determined.

Delaware fracking regs assessed.

The Delaware River Basin Commission (DRBC) postponed a scheduled November 21 meeting, ostensibly to further assess the impact of natural gas development on the valley. The National Parks Conservation Association (NPCA) says more than 15,000 natural gas wells are in the works in an area that includes the Delaware Water Gap National Recreation Area managed by NPS. At issue is a natural gas production technique called fracking that consists of breaking up rocks with water pressure to release gas. The Delaware River Basin Commission members, including the governors of Pennsylvania, New Jersey, New York and Delaware, did not say why they postponed the meeting or if and when it will be rescheduled. The

DRBC published revised draft fracking regulations November 8. Said Cinda Waldbuesser, Pennsylvania Senior Program Manager for NPCA, "The regulations being considered by the DRBC do not adequately protect our pristine outdoor attractions like the Upper Delaware National Scenic and Recreational River, Middle Delaware National Scenic River and Delaware Water Gap National Recreational Area that draw visitors from across the region and support the local economy." The Delaware Water Gap National Recreation Area includes 67,000 acres on both sides of the Delaware River in New Jersey and Pennsylvania.

Forest Service roadless bill in.

Twenty senators and more than 100 House members introduced once more November 17 legislation (HR 3465, S 1891) to codify a 2001 roadless area rule that bars most road building and timber sales in national forests. The 2001 Clinton administration rule has endured a decade of litigation. While two appeals courts have upheld the rule (the Tenth Circuit most recently on October 21), legal and political loose ends remain. For instance, the plaintiff in the Tenth Circuit case, the State of Wyoming, still may appeal to the full Tenth Circuit or to the U.S. Supreme Court. In addition there are unresolved roadless policy issues in three states. In Idaho environmentalists have sued to undo an Idaho exemption rule. In Colorado the Forest Service has proposed a Colorado-only rule. And in Alaska a federal court order included the Tongass National Forest in the national rule against the wishes of the state. So principal sponsors of S 1891 and HR 3465, Sen. Maria Cantwell (D-Wash.) and Jay Inslee (D-Wash.), introduced their legislation to lock in the Clinton rule. "Roadless areas protect the health of our communities, the diversity of our forests, and support Washington's economy," said Inslee. "The outdoor industry in Washington state gains \$11.7 billion annually, generating more than 115,00 jobs and accounting for 3.5 percent of the state's economy."

Pope steps down at Sierra Club.

The Sierra Club, suffering from a reduction in membership during the current economic downturn, announced

November 18 that its chairman, Carl Pope, was giving up his chairmanship of the organization. He had served as chair since April 2010 but had been the face of the Sierra Club for 17 years before that as executive director. Michael Brune is currently the executive director. Pope will continue to work on projects with the club, he said, with an emphasis on helping the nation develop a clean-energy economy.

Utahns would help ski resorts.

Two Utah senators and two Utah House members introduced legislation (HR 3452, S 1883) November 17 that would authorize the sale of 30 acres of national forest land to link two ski resorts. The bill would allow the Canyons Resort and Solitude Mountain Resort to build a gondola between the two operations. The legislators said the gondola would create more than 500 jobs and generate \$50 million in economic activity. The resorts are located in the Uinta-Wasatch-Cache National Forest. There is currently no "convenient" road between the two resorts, although they are five miles apart. Said principal Senate sponsor Orrin Hatch (R-Utah), "I look forward to the day when someone can park at a resort in one canyon and spend the day skiing in another canyon. This will be a big boon to our state's tourism." Rep Rob Bishop (R-Utah) is the lead sponsor of the House bill.

Conference Calendar

DECEMBER

5-8. **America Outdoors** marketing and management conference in Reno, Nev. Contact: <http://www.americaoutdoors.org/>.

7-8. **Western Governors' Association** winter meeting in Palm Springs, Calif. Contact: Western Governors' Association, 1515 Cleveland Place, Suite 200, Denver, CO 80202-5114. (303) 623-9378. <http://www.westgov.org>.

JANUARY

5-8. **Archaeological Institute of America** annual meeting in Philadelphia, Pa. Contact: Archaeological Institute of America, 656 Beacon St., Boston, MA 02215-2006. (617) 353-9361. <http://www.archaeological.org>.

17-19. **National Ski Areas Association** western conference in Squaw Valley, Calif. Contact: National Ski Areas Association, 131 South Van Gordon St., Suite 300, Lakewood, CO 80228. (303) 987-1111. <http://www.nsaa.org>.

18-20. **U.S. Conference of Mayors** winter meeting in Washington, D.C. Contact: U.S. Conference of Mayors, 1620 I St., N.W., Fourth Floor, Washington, DC 20006. (202) 293-7330. <http://www.usmayors.org>.

19-22. **Outdoor Retailer Winter Market** in Salt Lake City. Contact: Outdoor Retailer, 310 Broadway, Laguna Beach, CA 92651. (949) 376-8155. <http://www.outdoorretailer.com>.

29-Feb. 2. **National Association of Conservation Districts** annual meeting in Las Vegas, Nev. Contact: National Association of Conservation Districts, 509 Capitol Court, N.E., Washington, DC 20002. (202) 547-6233. <http://www.nacdnet.org>.

FEBRUARY

7-8. **National Ski Areas Association** eastern conference in Killington, Vt. Contact: National Ski Areas Association, 131 South Van Gordon St., Suite 300, Lakewood, CO 80228. (303) 987-1111. <http://www.nsaa.org>.

MARCH

3. **National Association of Counties** legislative conference in Washington, D.C. Contact: National Association of Counties, 440 First St., N.W., 8th Floor, Washington, DC 20001. (202) 393-6226. FAX (202) 393-2630. <http://www.naco.org>.

4-8. **Association of Partners for Public Lands** annual convention in Las Vegas, Nev. Contact: Association of Partners for Public Lands, 2401 Blueridge Ave, Suite 303, Wheaton, MD 20902. (301) 946-9475. <http://www.appl.org>.

12-17. **North American Wildlife** conference in Atlanta, GA. Contact: Wildlife Management Institute, 1146 19th Street, NW, Suite 700, Washington, DC 20036. (202) 371-1808. <http://www.wildlifemanagementinstitute.org>.

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