

# Federal Parks & Recreation

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## **House approves big FY '11 spending cuts; on to Senate**

It took until 4:40 in the morning Saturday (February 19) but the House passed a fiscal year 2011 appropriations bill (HR 1) that would cut \$100 million from the Obama administration's budget request and \$61 million from fiscal 2010 spending.

The omnibus money bill would produce deep cuts in park and rec programs, beginning with the Land and Water Conservation Fund (LWCF). It would remove \$532.6 million out of an Obama administration request of \$619 million, leaving just \$86.4 million. Of the reduction \$329 million would come from federal land acquisition and \$50 million would come from the state side of the fund.

State and wildlife conservation grants administered by the Fish and Wildlife Service (FWS) would also take a huge hit, receiving no money, compared to a \$90 million request.

The Senate intends to address the bill next week. The current extension of fiscal 2010 funding into fiscal 2011 ends March 4. Another extension is possible, as is the shutdown of the federal government.

Senate Majority Leader Harry Reid (D-Nev.) intends to introduce next week a temporary extension of fiscal 2010 funding through March. House Minority Leader Nancy Pelosi (D-Calif.) introduced a resolution (HJ Res 43) to do that February 18.

Among other things the House-passed bill would (1) block Secretary of Interior Ken Salazar's "wild lands" program by shutting off money for it, (2) eliminate \$23 million in federal assistance for the Presidio of San Francisco, and (3) bar implementation of travel

management rules in national forests in California until the Forest Service completed trail planning in areas not yet authorized for off-road vehicle use. (See related article page 4.)

Two other outdoor amendments did not make it - one to eliminate money for designation of national monuments and one to eliminate money for the National Landscape Conservation System managed by the Bureau of Land Management (BLM).

House appropriators said that in preparing HR 1 they tried to protect land management agencies and to keep recreation areas open. Said a House Appropriations Committee fact sheet, "Funding for operation accounts was largely sustained to prevent layoffs and the closure of national parks and forests, wildlife refuges, Smithsonian museums and other sites."

The Republican reductions would have particularly severe impacts because of their timing, if they were enacted. That's because fiscal 2011 is already four months old and will probably be five or more months old when any appropriations bills are completed. Thus, the reductions would be taken out of the last six or so months of the year, effectively doubling their impact. Spending thus far in fiscal 2011 has been based on fiscal 2010 levels.

But House Republicans don't operate in a vacuum. Any appropriations bills they pass must go through the Senate and President Obama.

Senate Appropriations Committee Chairman Daniel Inouye (D-Hawaii) protested the proposed House cuts in HR 1 because they all would come from domestic discretionary spending, only 15 percent of the federal budget, according to Inouye.

"The priorities identified in this proposal for some of the largest cuts - environmental protection, health care, energy, science and law enforcement - are essential to the current and future well-being of our economy and communities across the country," he said. "Such an approach would knock the legs out from under our nascent economic

recovery, kill jobs, and do virtually nothing to address the long-term fiscal crisis facing our country."

Indeed the two sides are so far apart that the possibility looms of a government shutdown March 4 when the temporary spending bill expires. Said Inouye, "I am disturbed that some Republicans have indicated a willingness to allow a government shutdown. No responsible elected official should even consider such an option."

In the meantime the Obama administration February 14 laid out its fiscal 2012 budget request with huge increases for LWCF, but relatively flat spending for other programs. (See related article page 6.)

But the fiscal 2012 fight is months away from being joined. The big battles right now are being fought over fiscal 2011 appropriations. In their February 19 bill House appropriators listed hundreds of specific cuts in fiscal 2011 spending, compared to an administration request.

Acknowledged House Appropriations Committee Chairman Rogers, "These cuts go far and wide, and will affect every community in the nation. These were hard decisions, and I know many people will not be happy with everything we've proposed in this package. That's understandable and not unexpected, but I believe these reductions are necessary to show that we are serious about returning our nation to a sustainable financial path."

The dramatic fiscal year 2011 spending proposals from House Republicans are designed to carry out their November election promises to rein in federal spending. Here are some of the cuts they would make, again compared to an Obama administration request:

- \* STATE LWCF: no funding, or \$50 million less than the request;
- \* STATE WILDLIFE GRANTS: no funding, or \$90 million less than the request;
- \* FEDERAL LWCF: a reduction of \$329 million, leaving \$55 million;
- \* FOREST LEGACY: a reduction of

\$93.9 million, leaving \$6.2 million;

\* SAVE AMERICA'S TREASURES: no money, matching an administration request;

\* NPS operations: a reduction of \$53 million, including \$4.5 million taken out of climate change programs; and

\* FS operations: a reduction of \$24 million, with \$16.5 million removed from a recreation, heritage and wilderness line item.

## **President endorses LWCF spending; House GOP doesn't**

In the central recommendation of its America's Great Outdoors initiative the Obama administration February 16 called for full funding of the Land and Water Conservation (LWCF).

However, the report presented to President Obama did not call on Congress to guarantee the \$900 million each year. Instead, the administration would continue to make LWCF susceptible to the whims of Congress in appropriations bills.

And right now the whim of House Republicans is that LWCF should receive virtually no money. On February 19 the House approved a fiscal 2011 appropriations bill (HR 1) that would cut \$532.6 million out of an Obama administration request of \$619 million for LWCF, leaving just \$86.4 million.

Of the reduction \$329 million would come from federal land acquisition and \$50 million would come from the state side of the fund. HR 1 still must go through the Senate and overcome a sure veto.

The administration did put its LWCF money where its outdoor initiative mouth is in a fiscal 2012 budget request released February 14. It asked Congress to provide full funding of \$900 million for LWCF with \$465 million for federal land acquisition, or \$187 million more than a fiscal 2010 appropriation of \$277.9 million.

For state grants the 2012 budget asks for \$200 million, or \$160 million more than a fiscal 2010 appropriation of

\$40 million. Of the state-side money \$117 million would be allocated to competitive state conservation grants, \$78 million to regular state conservation grants and \$5 million to administration.

The Republican intransigence doesn't auger well for the Obama fiscal 2012 request when GOP appropriators go to work on it later this year.

Despite the House GOP's stance, the America's Great Outdoors initiative (AGO) does shine a bright spotlight on LWCF.

Said President Obama on receiving the report, "To help set aside land for conservation and to promote recreation, we're proposing to fully fund the Land and Water Conservation Fund, for only the third time in our history. And we're intending to pay for it with existing oil and gas revenues, because our attitude is if you take something out of the Earth, you have a responsibility to give a little bit back to the Earth."

Secretary of Interior Ken Salazar said at a press conference February 17 that the LWCF recommendation would not be redundant with other conservation programs. "That is one of the great things about the Great Outdoors report," he said. "It gives us a road map to integrate all these programs so that you don't have the revenue stream of conservation initiatives operating as silos without making sure we are addressing conservation priorities."

Obama's pitch for oil and gas revenues to support LWCF is not new. LWCF already receives a share of offshore oil and gas royalties and those deposits have built up to more than \$17 billion unspent. More than \$31 billion has been deposited into LWCF over the last 45 years, yet less than half that, or \$15 billion, has been appropriated.

Still, the AGO report does not recommend that Congress guarantee the money. "I'm surprised at that," said Derrick Crandall, president of the American Recreation Coalition. "All they are saying is they are proposing \$900 million, but they are not serious unless they make it a guarantee."

A spokeswoman for the Council on Environmental Quality confirmed, "(The report) does not specifically call for Congress to change any laws regarding the LWCF."

Conservationists and the human-powered outdoor recreation industry are behind the President. "I applaud the President for calling for full funding of LWCF to enhance America's great outdoors," said Will Manzer, CEO of Eastern Mountain Sports. "LWCF is the single best source of funds for development and enhancement of local and federal protected areas and recreational amenities. For this initiative to succeed, the creation, restoration, and enhancement of safe, close-to-home recreation opportunities are vital, and LWCF is the key to the development of a robust recreation infrastructure."

Senate Energy Committee Chairman Jeff Bingaman (D-N.M.) is also backing the President. After noting the LWCF increase in Obama's fiscal 2012 budget request, Bingaman said, "While I'm disappointed that some important projects were left out, overall, the Administration did a good job with the tough choices they had to make."

Last year Bingaman and Sen. Harry Reid (D-Nev.) drafted energy legislation that would have locked in LWCF money, but the legislation never reached the Senate floor. In addition at least two Republican senators, Richard Burr (N.C.), ranking Republican on the Senate subcommittee on National Parks, and Lamar Alexander (Tenn.) have spoken up for LWCF in the past.

The case against full funding of LWCF is being made by House Natural Resources Committee Chairman Doc Hastings (R-Wash.) "It's concerning that the President is proposing hundreds of millions of dollars in new spending for the federal government to purchase more federal land, even though it cannot properly maintain the land it already owns," he said when the report came out. "The Interior Department currently has maintenance backlogs that measure in the billions of dollars."

Although short on specifics, the

AGO report does recommend a shift in focus for the state side of LWCF from strict recreation support to broader assistance for urban parks and open space. It would do that by having states expand on their LWCF planning in Statewide Comprehensive Outdoor Recreation Plans (SCORPs).

AGO recommends: "Consulting with local and state governments, federal agencies, and stakeholders, (should) develop new guidelines and criteria for SCORPs that focus a portion of the LWCF stateside program on urban parks and community green spaces, landscape-scale conservation, and recreational blueways, in addition to outdoor recreation."

The report says, "Priority areas for investment in urban areas are: (1) Waterfronts that connect urban communities with water and waterside parks and open spaces; (2) Signature parks, such as City Park in New Orleans or Grant Park in Chicago, that serve as community anchors; (3) Renewed green spaces and urban garden spaces that have suffered from urban blight; and (4) Natural areas within a city or community that reconnect people with the outdoors, like Jamaica Bay Wildlife Refuge in Brooklyn, New York."

Salazar has taken to the road to promote the initiative. He appeared in New York February 17; the Everglades in Florida February 18; El Centro, Calif., on February 20; and Delano, Calif., February 21.

The report is available at <http://americasgreatoutdoors.gov/>.

## **House would block 'wild lands,' Presidio, ORV plans**

The House February 19 approved a fiscal year 2011 appropriations bill (HR 1) that would bring Secretary of Interior Ken Salazar's "wild lands" program to a halt by shutting off money for it.

The provision from Rep. Mike Simpson (R-Idaho) is perhaps the most far-reaching outdoor policy initiative in HR 1. Simpson said of an administration proposal to designate wild lands managed by the Bureau of Land Management,

"I'm concerned that this initiative will make it more difficult to make good land management decisions and result in increased litigation."

In other outdoor actions the House approved an amendment from Rep. Wally Herger (R-Calif.) that would bar implementation of travel management rules in national forests in California until the Forest Service completed trail planning in areas not yet authorized for off-road vehicle use. The vote was 227-to-177.

The House also approved an amendment that would eliminate federal assistance for the Presidio of San Francisco, a unit of the National Park System. The amendment, from Rep. Tom Reed (R-N.Y.), would block a \$23 million administration request. The vote was 239-to-186.

The House did reject an amendment from Rep. Dean Heller (R-Nev.) that would have prevented the designation of any national monuments by barring spending on such designations. The vote was a narrow 209-to-213.

Finally, Rep. Rob Bishop (R-Utah) offered but later withdrew an amendment that would have cut off money for management of the 26 million-acre National Landscape Conservation System (NLCS) managed by the Bureau of Land Management (BLM).

The House approved HR 1 at 4:40 a.m. on February 19 in a 235-to-189 vote. The Senate intends to address the bill the week of February 28. The current extension of fiscal 2010 funding into fiscal 2011 ends March 4. Another extension is possible and the shutdown of the government is possible if an extension is not passed. *(See separate article on page one on the spending implications of HR 1.)*

HR 1, which would reduce federal spending by \$100 billion, still must go through the Senate and be signed by President Obama.

Congress must move fast. It is up against a March 4 deadline to complete fiscal 2011 appropriations bills when a temporary spending bill expires.

**Wild lands:** Simpson defended the wild lands provision this way: "The responsibility for making land management designations belongs to Congress, not the agency, and by including language in the CR to defund this initiative, I hope to force the department to work with Congress on this issue."

William H. Meadows, president of The Wilderness Society, lashed out at the House. "This is a historic assault on America's lands, and it's a critical moment for people in communities nationwide to stand up for our wild lands, and the benefits they provide for our economy and for public health," he said. "We look forward to working with the Senate to undo the terrible damage done by the House this week."

Western Republicans for the last month have stepped up their criticism of Secretary of Interior Ken Salazar's wild lands proposal of December 22. In Secretarial Order #3310 he directed BLM to designate wild lands through its land use planning process. The order becomes controversial because those wild lands would have many of the characteristics of wilderness, and only Congress has the authority to designate wilderness.

To this point western Republicans and their allies have not filed a lawsuit to carry out their bottom line argument that BLM has no authority to designate wilderness, although rumors suggest some states and counties are interested.

BLM now manages 8.7 million acres of wilderness designated by Congress and an additional 15 million acres of wilderness study areas.

The appropriations bill language (Section 1778) says in its entirety: "None of the funds made available by this division or any other Act may be used to implement, administer, or enforce Secretarial Order No. 3310 issued by the Secretary of the Interior on December 22, 2010."

**California ORV amendment:** The amendment is based on a stand-alone bill (HR 242) Herger introduced earlier this year. It addresses recent travel management plans completed by the Forest

Service in California that close ways to ORVs. The bill would bar implementation of travel management rules in national forests in California until the Forest Service completed trail planning in areas not yet authorized for ORV use. California Republicans Reps. Tom McClintock, Daniel Lungren and Kevin McCarthy cosponsored the bill.

**Presidio Trust:** The Presidio is managed by a trust that combines federal and nonfederal money. Said amendment sponsor Reed, "The original idea was for Congress to oversee the Presidio Trust fund while it transitioned to a self-sufficient entity. It is high time that this fund uses the private capital raised to fund itself – the government does not need to subsidize development when private funds are already doing it at the Presidio."

But Democratic Minority Leader Nancy Pelosi (R-Calif.), who represents the Presidio, said, "From its creation, we intended the Presidio to eventually become financially self-sustaining; every year, the federal investment required for the Presidio decreases. Instead, today's misguided Republican action would result in higher future obligations by the federal government."

She promised to fight back: "The Presidio Trust is well on its way toward meeting its financial, stewardship, and public use goals, and is headed toward self-sufficiency in 2013. I will fight alongside Senators Feinstein and Boxer to ensure that this damaging provision never becomes law."

**Monuments amendment:** The amendment would have forbid spending any money by the administration to designate national monuments under the Antiquities Act of 1906. Heller introduced the amendment in part because of an internal Department of Interior memo that surfaced a year ago and suggested the possible designation of 14 monuments on BLM-managed land, coupled with the acquisition of private tracts for \$2 billion more.

Conservationists praised the House for rejecting the amendment. "For more than a century, with the support of the American people, presidents from both

parties have used the Antiquities Act to rise above the politics of their day and better protect our national treasures," said Chris Soderstrom, vice president of the Conservation Lands Foundation. "We are grateful for the Representatives who looked out for the interests of future generations by defending the Antiquities Act."

**NLCS amendment:** The administration requested a fiscal 2011 appropriation of \$31.5 million for the NLCS, up from \$31.3 million in fiscal 2010. Said Bishop of his amendment to cut off that spending before withdrawing it, "The NLCS has created an unnecessary, costly, and confusing two-tiered system within the BLM that clouds the BLM's historic mission. I have yet to see a compelling example of how our nation benefits from adding another expensive layer of bureaucracy to the management of our public lands."

But Brian O'Donnell, executive director of the Conservation Lands Foundation, said, "We commend the House of Representatives for standing up for the National Conservation Lands. This is fantastic news for Red Rock Canyon National Conservation Area, Sonoran Desert National Monument, Gunnison Gorge National Conservation Area, and so many other incredible places."

## **Obama's 2012 budget request boosts LWCF; there are losers**

In a bit of a shocker the Obama administration in a fiscal year 2012 budget request February 14 asked Congress to provide full funding of \$900 million for the Land and Water Conservation Fund (LWCF).

For federal land acquisition the budget asks for \$465 million, or \$187 million more than a fiscal 2010 appropriation of \$277.9 million.

For state grants the budget asks for \$200 million, or \$160 million more than a fiscal 2010 appropriation of \$40 million. Of the state-side money \$117 million would be allocated to competitive state conservation grants, \$78 million to regular state conservation grants and \$5 million to administration.

Full funding is a shocker because the House February 19 passed a fiscal 2011 appropriations bill (HR 1) that would cut \$532.6 million in LWCF out of an Obama administration request of \$619 million, leaving just \$86.4 million. Of the reduction \$329 million would come from federal land acquisition.

The Obama administration's LWCF request coincided with the February 16 release of a report containing recommendations of an America's Great Outdoors initiative. That report proposed preservation of great American landscapes through a fully-funded LWCF.

The administration request received praise from one important backer, Senate Energy Committee Chairman Jeff Bingaman (D-N.M.) After noting the increase request, he said, "While I'm disappointed that some important projects were left out, overall, the Administration did a good job with the tough choices they had to make." His committee will host Secretary of Interior Ken Salazar March 2 for a hearing on the administration request.

Despite the tough economic times the administration's fiscal 2012 budget requests a total of \$136.4 million more for the National Park Service than in fiscal 2010, \$3.286 billion compared to \$3.150 billion. That includes the jump in LWCF.

To get there the administration did recommend some cuts. One major target was construction. In the Park Service alone the administration would reduce construction spending by \$80.8 million compared to fiscal 2010, to \$152 million from \$233 million.

Secretary of Interior Ken Salazar admitted at a February 14 press briefing that reduced construction spending would hurt a huge NPS maintenance backlog. "When we came into office that backlog was \$9 billion," he said. "We made some investments - close to \$1 billion in the (economic stimulus law.) And the budgets of the last few years made it possible to make some investments in that backlog."

"But," he said, "there is no doubt

the backlog in the National Park System is in the billions of dollars. So this will slow down that initiative. There's no other way of dealing with the fiscal crisis."

The administration's fiscal 2012 budget requested:

LWCF STATES: an increase of \$160 million for the state side of the program, to \$200 million from \$40 million in fiscal 2010;

LWCF NPS ACQUISITION: an increase of \$73.7 million, to \$160 million from \$86.3 million in fiscal 2010;

LWCF FISH AND WILDLIFE SERVICE ACQUISITION: an increase of \$53.7 million, to \$140 million from \$86.3 million in fiscal 2010;

LWCF BUREAU OF LAND MANAGEMENT (BLM) ACQUISITION: an increase of \$20.4 million, to \$50 million from \$29.7 million in fiscal 2010;

PARK SERVICE OPERATIONS: an increase of \$35.3 million, to \$2.297 billion from \$2.262 billion in fiscal 2010;

PARK SERVICE CONSTRUCTION: A decrease OF \$80.8 million, to \$152 million from \$233 million in fiscal 2010;

PARK SERVICE REC AND PRESERVATION: a decrease of \$16.9 million, to \$51.6 million from \$68.4 million in fiscal 2010;

HISTORIC PRESERVATION FUND GRANTS: an increase of \$6.5 million, to \$61 million from \$54.5 million in fiscal 2010;

SAVE AMERICA'S TREASURES: no money, a decrease of \$25 million from an appropriation of \$25 million in fiscal 2010;

PRESERVE AMERICA: no money, a decrease of \$4.6 million from an appropriation of \$4.6 million in fiscal 2010;

NATIONAL HERITAGE AREAS: a decrease of \$8.8 million, to \$9 million from \$17.8 million in fiscal 2010;

STATE WILDLIFE GRANTS: an increase of \$5 million, to \$95 million from an appropriation of \$90 million in fiscal 2010;

WILDLIFE REFUGE SYSTEM: a decrease of \$70,000, to \$502.9 million from \$502.8 million in fiscal 2010;

BLM RECREATION: an increase of \$8.4 million, to \$76.8 million from \$68.4 million in fiscal 2010;

NATIONAL FOREST SYSTEM: an increase of \$141 million, to \$1.794 bil-

lion from \$1.563 billion in fiscal 2010;

**NATIONAL FOREST RECREATION:** an increase of \$5.4 million, to \$290.5 million from \$285.1 million in fiscal 2010; and

**NATIONAL FOREST CAPITAL IMPROVEMENTS:** a decrease of \$206 million to \$350 million from \$556 million in fiscal 2010.

**More on LWCF:** Says the administration's fiscal 2012 budget proposal of LWCF, "The 2012 Budget leverages and integrate efforts of the Fish and Wildlife Service, the National Park Service, (BLM), and the U.S. Forest Service, along with States, Tribes and others, to conserve the most critical landscapes."

Expounded Secretary of Interior Ken Salazar at the February 14 press conference, "Our proposed budget includes \$5.5 billion to support the America's Great Outdoors mission. It includes a commitment to reinvest from offshore oil and gas production into the creation of parks, open space and trails to create permanent economic engines in communities."

He added, "A portion of our revenues here will be used as engines for state and local efforts to establish recreational opportunities along urban areas and in western landscapes. Investing \$900 million into the Land and Water Conservation Fund isn't just the right thing to do it is also the smart way to help communities."

House Natural Resources Committee Chairman Doc Hastings (R-Wash.) suggested the Interior Department had its priorities reversed in proposing additional land acquisition. "We will closely examine why the President is proposing to spend money purchasing federal lands when the National Park Service currently has a maintenance backlog measuring in the billions of dollars," he said.

Meanwhile, Congress and the administration still haven't worked out final fiscal 2011 appropriations bills. The House February 19 approved the omnibus fiscal 2011 spending bill (HR 1) that would cut \$100 billion out of the administration's request for domestic discretionary spending.

Congress must move quickly. It is up against a March 4 deadline to complete fiscal 2011 appropriations bills. Congress approved a temporary continuing resolution (PL 111-332 of December 22) that extends fiscal 2010 levels until the March 4 deadline.

## **Administration seeks big roads money with rec aid**

President Obama and Congress last week took giant strides toward the authorization of significant money for surface transportation, both for fiscal year 2011 and for the next six years.

The House February 19 approved a fiscal 2011 appropriations bill (HR 1) that, while it trims a little off surface transportation programs, does not subject them to the same wholesale reductions it made in other programs.

Said the Rails-to-Trails Conservancy in a bulletin to its members, "Earlier this week, we alerted you to a possible attack on trail funding, but we are pleased to share that no cuts were made to core trail, walking and bicycling programs during this week's congressional amendment process! This is a heartening development, as our programs have been fiercely targeted in the past and many worthy programs are on the chopping block."

HR 1 now goes to the Senate where there is substantial bipartisan support for surface transportation spending, although some senators such as John McCain (R-Ariz.) and Tom Coburn (R-Okla.) have occasionally attacked the use of "highway" money on recreation programs.

Separately, the Obama administration February 14 proposed a new six-year surface transportation program that would include such outdoor programs as transportation enhancements, recreational trails, scenic byways and federal lands roads.

The \$556 billion proposal would replace the existing surface transportation law - the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). In so doing the administration would allocate



an additional \$109 billion to roads programs administered by the Federal Highway Administration, from \$227 billion in SAFETEA to \$336 billion.

The proposal has one overarching weakness: It has no money. Said the administration's Department of Transportation budget, "The current framework for funding transportation investments is not financially sustainable and does not adequately or effectively allocate resources to meet National Needs. The President is committed to working with the Congress to ensure that funding for surface transportation does not increase the deficit."

Sen. James Inhofe (R-Okla.), a supporter of surface transportation spending and key player, said, "This is flat out irresponsible. If (the President) were serious about getting a bill done, he would have either cut spending or said how he is going to pay for it. I can only call this a setback." Inhofe serves as the ranking Republican on the Senate Environment and Public Works (EPW) Committee.

In still another related development the House Transportation Committee February 16 approved a seven-month extension (HR 662) of SAFETEA-LU through September. Although SAFETEA-LU technically expired at the end of September 2009, Congress has repeatedly extended it, most recently to March 4. The House is expected to take up HR 662 next week.

The latest extension would supposedly give Congress time to write a six-year law to replace SAFETEA-LU, perhaps in accordance with the administration's recommendations. Indeed the House committee under chairman John Mica (R-Fla.) has already begun field hearings.

The committee, however, faces the same problem as the administration — no money. A committee memo does offer some hints of possible new revenues, to wit, "Innovative financing tools and private investment in financing surface transportation projects are methods that the committee will explore to help the Federal government and states find ways to do more with less and better leverage existing revenue sources."

Mica has repeatedly ruled out an increase in the gasoline tax. SAFETEA-LU now "guarantees" \$42.6 billion per year for highways, but the Highway Trust Fund receives just \$35 billion from gasoline taxes. So the fund and SAFETEA-LU are already running a deficit.

In the Senate, EPW chair Barbara Boxer (D-Calif.) is praising the President. "I commend the President for his investment in transportation, . . ." she said last week. "I've already begun reaching across the aisle to build support for a robust surface transportation bill that will accelerate our economic recovery and build the foundation for long-term prosperity."

Echoed ranking Republican Inhofe: "(W)ithout robust and strategic investments in our roads and bridges, the U.S. economy will not achieve the growth necessary to get us out of our current economic crisis and we will have trouble competing with other countries."

However, Inhofe uttered some code words that are frequently used to suggest that gasoline tax money should be spent on roads and bridges and not used for trails, recreation and parks. Those words are "user pays." Said Inhofe, "The current problem with the Highway Trust Fund is that we have gotten away from the user pays, user benefits concept and are providing a free lunch to too many unrelated activities."

#### **The President's outdoor request:**

The Obama budget would consolidate recreation and trails programs, now funded as separate entities, into a new "Livability" line item at \$4.1 billion. Comparable programs under SAFETEA received \$2.9 billion in fiscal 2010.

Here is what the Federal Highway Administration budget request says of the Livability program: "Activities previously eligible under the Transportation Enhancement Activities Program, Congestion Mitigation and Air Quality Improvement Program, National Scenic Byways Program, Recreational Trails Program, and Safe Routes to School Program will continue to be eligible under the formula-based component of the Livability Program."

Livability money would be divided among three kinds of grants: \$3.4 billion in formula grants; \$500 million in livable community discretionary grants; and \$200 million in capacity building discretionary grants.

Federal land roads would be funded separately from Livability programs under a new Federal Lands Access Program for federal land management agencies and Indian tribes. The Federal Lands Access Program would consolidate old funding for the Park Service, federal lands and tribes into one line item. The total funding would increase from \$1.3 billion in fiscal 2010 to \$1.4 billion in fiscal 2012.

A sub-line item called Federal Lands Transportation program would receive \$430 million for this fiscal year, with \$315 million going to the Park Service and the Fish and Wildlife Service and \$115 million competitively to the Forest Service, the Bureau of Land Management and the Corps of Engineers.

### **FS draft planning rule out with recreation emphasis**

Secretary of Agriculture Tom Vilsack announced February 10 the completion of a long-awaited draft Forest Service planning rule that is designed to guide individual forests in setting policies over the next 15 years.

Vilsack repeatedly emphasized the role of recreation in national forests, perhaps in response to complaints from the recreation community. Recreationists have complained that back-up documents prepared by the service gave recreation short shrift.

"There are multiple uses in each and every one of our forests and we need to know what those uses are to maximize to the extent possible those multiple uses," Vilsack said at a press conference. "They include outdoor recreation, watershed protection, wildlife and fish protection, wilderness, grazing opportunities, timber, energy and mineral opportunities, ecosystem service opportunities. We believe this rule will provide for sustainable recreational opportunities recognizing the important role

that outdoor recreation plays in the economy of rural America that surrounds these forests."

Vilsack stressed the economic opportunities of recreation in the forests. "We have 170 million visitors each year. That is 170 million opportunities for communities around the forests," he said.

Recreation advocates are reacting favorably. Said The Wilderness Society's Anne Merwin, "They have taken a major step forward by requiring that all forest plans incorporate sustainable recreation planning on a par with other uses. This raises recreation - which touches more acres and more people than any other use on the forest - to the level of priority that it deserves."

Other advocates of outdoor recreation are just now digging into the proposed rule. "Sportsmen have a stake in ensuring a Forest Service planning rule that sustains significant hunting and fishing opportunity, fish and wildlife populations, conservation and restoration of key fish and wildlife habitat, species adaptation to the effects of climate change, and retention of roadless area values," said Joel Webster, director of the Theodore Roosevelt Conservation Partnership Center for Western Lands.

"We'll be reviewing the proposed rule issued today - and working with our sportsmen partners and the Forest Service in the months to come - to safeguard these critical public resources," he said.

Other interest groups such as the timber industry and environmentalists are in the early going focusing on provisions in the draft rule that provide for species viability.

Environmentalists object to a provision that would delegate responsibility for deciding which species are protected to the national forests themselves. The environmentalists would prefer stricter standards from Washington.

The timber industry objects to

inclusion of non-vertebrate species in the viable species mandate. They would prefer the Forest Service stick to vertebrate species.

But the Forest Service's proposed draft, announced February 10 by Secretary of Agriculture Tom Vilsack, is just a draft and will surely be revised before it becomes a formal rule. The Forest Service goal is to publish a final rule by the end of the year.

As required by the National Forest Management Act of 1976 (NFMA) the Forest Service has since 1976 prepared 127 forest plans to guide land uses in 155 national forests and 20 grasslands (some plans cover more than one forest and/or grassland.)

Under NFMA forest plans are to be revised every 15 years. However, the agency said dozens of the existing plans are overdue for revision because they should have been rewritten between 1998 and now.

While the Forest Service prepares the new rule it will use a 2000 Clinton administration rule to guide planning by individual forests. However, that 2000 rule also allows forests in turn to use a 1982 rule. The 1982 rule may be the choice of most forests because the 2000 rule was so complex, the agency said.

The Bush administration struck out twice in trying to write a master-planning rule. On January 5, 2005, it completed a first set of regulations, without preparing an EIS. And on April 21, 2008, it tried again with a perfunctory EIS. Two federal judges held separately that the Forest Service failed to adequately evaluate the environmental impacts of the rules.

The proposed rule and information about public comments are available at [www.fs.usda.gov/planningrule](http://www.fs.usda.gov/planningrule). The service will host a national forum March 10 as part of its solicitation of public

## **BLM EIS assesses mining withdrawal near Grand Canyon**

The Interior Department February 18 took a major step toward withdrawing

from uranium mining 1 million acres of federal land near Grand Canyon National Park for 20 years.

The Bureau of Land Management (BLM) published a draft EIS that assesses four withdrawal alternatives, including a lead alternative that would place 1,010,776 acres off limits to mining for 20 years.

The 1 million acres is temporarily withdrawn now under a "segregation notice" of July 21, 2009, that bars for two years the filing of new uranium mining claims. Off limits are 633,547 acres of BLM land and 360,002 acres of national forest. That temporary action is scheduled to expire in July, five months from now.

Secretary of Interior Ken Salazar wasn't saying last week that the withdrawal will, for certain, become Obama administration policy. He said that a public comment period "will help make a decision that recognizes the need for wise development of our energy resources, the importance of healthy lands and waters, and the voices of local communities, tribes, states, and stakeholders."

But Sen. Orrin Hatch (R-Utah), whose state lies barely 25 miles from Grand Canyon, believes Salazar has made up his mind. "What concerns me," Hatch said in a February 15 statement, "is that the Secretary seems more interested in adding red tape to every possible form of domestic energy production in our nation. We are more than 80 percent dependent on foreign uranium, but he's shutting down \$2 billion of uranium mining in southern Utah and northern Arizona."

Environmentalists have a different take. "The Grand Canyon is our most iconic national treasure, and it's critical that the canyon and important ecological areas around it be protected from uranium mining," said Lauren Pagel, policy director for EARTHWORKS, an international mining reform group. "There are many other special places and Western waterways that need protection from the devastation of uranium mining, but the Grand Canyon is a no-brainer."

Arizona Sens. John McCain (R) and Jon Kyl (R) and former Sen. Dennis DeConcini (D) have consistently opposed a million-acre withdrawal.

The EIS contains four alternatives:

Alternative A (no action) would retain existing policy and no withdrawal would be made,

Alternative B (full withdrawal) would withdraw the 1 million acres for 20 years from the Arizona Strip managed by BLM and the Kaibab National Forest, subject to valid existing rights.

Alternative C (partial withdrawal) would withdraw 650,000 acres for 20 years, subject to valid existing rights.

Alternative D (partial withdrawal) would withdraw 300,000 acres containing the highest concentration of uranium claims, subject to valid existing rights.

One area of ambiguity surrounding the withdrawal is its possible impact on valid existing rights held by owners of claims in the area. There are more than 10,000 such valid claims. Technically the claims may be developed.

But the mining industry worries that under the overarching 1872 Mining Law claimants would also have to prove they hold valid existing rights by establishing a valid mineral discovery. Miners fear that only a limited number of claims could meet that test.

Environmentalists have filed a major lawsuit to force the government to make the withdrawal. Environmentalists, including the Grand Canyon Trust, argue in their litigation that the withdrawal order not only bars future mining claims, but also forbids exploration activities on existing claims.

Comment by E-mail to [NAZproposedwithdrawal@azblm.org](mailto:NAZproposedwithdrawal@azblm.org) and by regular mail to: Northern Arizona Proposed Withdrawal Project, ATTN: Scott Florence, District Manager, Bureau of Land Management, Arizona Strip District Office, 345 East Riverside Drive, St. George, UT 84790-6714.

## Senate and House address park overflights quite differently

The Democratic Senate and the Republican House Transportation Committee are flying in different directions in setting new air tour policy above national parks.

The Senate approved legislation (S 223) February 17 that would in general tighten regulations governing air tour operators. Among other things S 223 would address a dispute over the division of labor between the Federal Aviation Administration and the Park Service by describing each agency's responsibilities.

The House Transportation Committee approved legislation (HR 658) February 16 that would in general favor air tour operators. It would exempt parks with 50 or fewer air tours per year from preparation of an air tour management plan. It would also allow the Federal Aviation Administration (FAA) and NPS to develop "voluntary agreements" with air tour operators to allow overflights without a management plan.

Both sets of legislation are designed to revise existing law governing air tours. Even though Congress wrote a major overflight law in 2000 requiring air tour management plans in national parks, no plans have been written. That problem in part is allegedly caused by differences of opinion between the FAA and the Park Service (FAA tends to work for the air tour operators, NPS works for the parks).

The National Parks Air Tour Management Act of 2000 (PL 106-181 April 5, 2000) was supposed to guide the FAA and NPS in coping with ever-larger numbers of air tours over the national parks, and in preventing accidents. FAA says it has received applications to fly over more than 100 national parks.

The Congressional disagreements over air tour operations are being fought out in broader legislation that would reauthorize FAA operations. The House and Senate have been unable to reach an accord on FAA legislation for

the last two Congresses because of fights over issues not directly related to the national parks, such as unionization of FedEx workers and additional slots and flights out of Washington D.C.'s Reagan National Airport.

The Senate overflights provision, crafted by Sen. Ron Wyden (D-Ore.), would address the old problem of the division of labor between FAA and NPS. The provision in the Senate bill essentially says FAA is responsible for controlling airspace over the country and the Park Service is responsible for protecting the parks, giving NPS more muscle in disputes with FAA.

The key bill wording says, "(FAA) has sole authority to control airspace over the United States. (NPS) has the sole responsibility for conserving the scenery and natural resources in National Parks and providing for the enjoyment of the National Parks unimpaired for future generations."

While Wyden was at it, he included language in his provision that would allow Crater Lake National Park to reject an application for air tours over the park until an air tour management plan was written. And it's highly unlikely than an air tour plan will be written anytime soon.

Wyden after the Senate approved S 223 said of the provision that would limit overflights over Crater Lake, "This means that the skies above Oregon will be open for business, but not at the expense of one of the nation's treasured national parks."

In a press release Wyden said he had worked "to end these tours for two years and received a commitment from then-nominee for director of the National Park Service, Jon Jarvis, to 'protect the fragile beauty' of Crater Lake."

The Senate also included in its bill a provision that would assess fees on air tour operators large enough to pay for air tour management plans. The amendment was sponsored by Sen. Tom Coburn (R-Okla.), frequently a critic of initiatives to expand the National Park Service. His amendment simply gives the

Interior Department authority to assess a fee, with the amount to be determined.

The House provision, in a bill introduced by House Transportation Committee Chairman John Mica (R-Fla.), would allow parks to negotiate "voluntary agreements" directly with air tour operators now in business. The voluntary agreements would have to meet the approval of FAA and NPS.

Says the bill, "A voluntary agreement under this paragraph with respect to commercial air tour operations over a national park shall address the management issues necessary to protect the resources of such park and visitor use of such park without compromising aviation safety or the air traffic control system. . ."

**Grand Canyon situation:** The Senate approval of S 223 fell two weeks after the Park Service proposed February 3 major new limits on air tour operations over Grand Canyon National Park.

The NPS Grand Canyon proposal, set out in a draft EIS, would take a number of steps to increase areas of the park with natural quiet from 53 percent to 67 percent. Among other things the preferred alternative in the EIS would reduce the number of annual air tours over the park to 65,000 from 93,971 now; would raise the flight-free zone from 14,499 feet to 17,999 feet; and would change flight routes.

## **AGO emphasizes rec link to health, provides few details**

While the America's Great Outdoors initiative calls for an integration of recreation and health, it does not lay out specific ways to get there.

The report, published February 16, says the specifics will be left to a Federal Interagency Council on Recreation chaired by Council on Environmental Quality Chairman Nancy Hutley.

Much of the impetus for future action is expected to come from a conference hosted by the Park Service April 5 and 6 in San Francisco. The Healthy

Parks Healthy People meeting is designed to strengthen the tie between outdoor recreation and health, particularly the health of youths.

At the conference 150 attendees from government, nonprofits and business are expected to attempt to figure out how health and park groups can work together. Although no one is saying so explicitly, implicitly federal, state and local land managers hope to obtain a piece of the hundreds of billions of dollars the government spends each year on health programs.

The Park Service established a Health Promotion Initiative in September 2010 that is being coordinated by Captain Charles Higgins, director of the Park Service Office of Public Health. It is part of a Healthy Lands Healthy People initiative.

The America's Great Outdoors (AGO) report was not specific about how park and rec programs could be linked to health programs. For the most part it simply calls on everyone to coordinate, streamline and target.

One action item does recommend greater coordination among federal agencies to benefit urban parks and green spaces. The report identifies the government entities as the Department of Housing and Urban Development, the Department of Transportation (Safe Routes to School program), the Department of Education, the Department of Health and Human Services, and federal land managers.

At a February 16 rollout of the AGO report at the White House, President Obama also touted a new youth corps. "To encourage young people to put down the remote or the video games and get outside, we're going to establish a new Conservation Service Corps so they can build a lifelong relationship with their natural heritage," he said.

At a February 17 press conference Secretary of Interior Ken Salazar said the youth corps would be supplemental to the existing Youth Conservation Corps. The administration's fiscal 2012 budget request asks for \$24.6 million for

NPS youth programs and \$15.7 million for Fish and Wildlife Service programs.

## Notes

### **Bingaman to retire next year.**

Senate Energy Committee Chairman Jeff Bingaman (D-N.M.) will not run for re-election next year, he said February 18. The committee has jurisdiction over the authorization of the lion's share of park and recreation legislation. As chairman of the committee Bingaman has either promoted or sponsored numerous park and rec bills, including measures to guarantee full funding for the Land and Water Conservation Fund. In 2009 he successfully assembled an omnibus lands bill (PL 111-11 of March 30, 2009) that included more than 160 individual bills. A similar, follow-up omnibus lands bill failed in December. Bingaman has served in the Senate for 28 years. The ranking Democrat on the committee after Bingaman is Sen. Ron Wyden (Ore.), who has a similar political philosophy on outdoor matters. In typical low-key style Bingaman said, "There is important work that remains to be done. That is true today, and it will be the case at the end of this Congress. It will be true at the end of every future Congress as well. The simple truth is, there is no ideal time to step aside." The ranking Republican on the committee, Sen. Lisa Murkowski (Alaska), who often worked closely with Bingaman, said, "He has been an honest partner in developing legislation, and under his leadership there's been a real effort to broker bipartisan agreement on policies that advance the nation's energy security."

### **Ski bill gets bipartisan support.**

A Democratic senator teamed with a Republican senator and a Democratic House member teamed with a Republican member February 17 to introduce legislation (S 382, HR 765) that would authorize non-skiing activities in ski resorts in the off-season. The bill itemizes allowable and unallowable uses in the off-season in resorts on national forest land. The bill is designed to help ski resorts in national forests become year-round recreation facilities. The don'ts include tennis courts; water slides and water parks; swimming pools; golf courses; and amusement parks. The dos include

zip lines, mountain bike trails, Frisbee golf courses and rope courts. Sens. Mark Udall (D-Colo.) and John Barrasso (R-Wyo.) introduced the Senate bill and Reps. Rob Bishop (R-Utah) and Diana DeGette (D-Colo.) introduced the House bill. Said DeGette, "This bill will not only increase recreational opportunities but also expand business opportunities and jobs. Year-round recreational activity will provide substantial benefits to our local economies, and help create stable jobs in the thirteen states that are currently home to ski resorts on public land." Last year a predecessor bill was included in an omnibus lands bill that failed in the waning days of December.

#### **Monuments bills by the number.**

Western Republicans February 17 picked up where they left off last year and introduced legislation to limit the President's authority to designate national monuments under the Antiquities Act of 1906. The legislation (HR 758, S 407) would still authorize a President to designate a national monument but would require Congressional approval within two years. If Congress did not endorse a designation, the land would revert to pre-monument status. In related legislation Rep. Dean Heller (R-Nev.) nearly succeeded February 19 in shutting off money for monument designations in fiscal year 2011. He offered an amendment on the floor that was narrowly defeated by a 209-to-213 vote. The lead sponsor of the new House bill limiting the President's authority is Rep. Wally Herger (R-Calif.) Seven western Republicans cosponsored the bill. Sen. Mike Crapo (R-Idaho) introduced the Senate bill with eight Republican cosponsors. Said Crapo, "For too long, Presidents have had the ability to sneak monument designations into law without any Congressional oversight, review or approval. This legislation is critical so that the public and Congress can review and engage in any decisions involving private and public lands and designations for national monuments."

**Urban parks bill introduced.** Rep. Albio Sires (D-N.J.) introduced February 15 legislation that would allocate \$445 million per year for ten years to rebuild and expand urban parks and recre-

ation facilities. While the legislation will almost certainly go nowhere in the Republican-dominated House, it does provide a complement to President Obama's America's Great Outdoors (AGO) initiative. AGO recommended that a portion of an annual \$200 million appropriation for the state side of the Land and Water Conservation Fund (LWCF) be used on urban parks. However, the state side of LWCF is administered by the Park Service; Sires would have his urban parks money be distributed by the Department of Housing and Urban Development. In addition state LWCF grants are distributed on a 50-50 match basis; Sires would have the federal government provide 70 percent of the money.

**Ashe given cautious Senate greeting.** The Obama administration's nominee as director of the Fish and Wildlife Service (FWS), Dan Ashe, received a mixed reception February 15 from the Senate Environment and Public Works (EPW) Committee. Ashe is currently deputy director of FWS and would replace Sam Hamilton who died a year ago on Feb. 21, 2010, at 54. He was on a ski trip to Colorado and had a heart attack. Ranking EPW committee Republican James Inhofe (R-Okla.) worried that under Ashe FWS would base decisions on their impact on climate change. "This is troubling to say the least," said Inhofe, a climate change skeptic. The Center for Biological Diversity used the occasion to blast the Obama administration for not aggressively protecting threatened and endangered species. "We are hopeful that Dan Ashe can turn (FWS) around," said Kieran Suckling, executive director of the Center for Biological Diversity.

#### **Delaware park bill still trying.**

The all-Democratic Delaware Congressional delegation February 10 reintroduced legislation (HR 624, S 323) that would establish a National Park System unit in their state. Delaware, the first state to vote to join the union, is also the only state without a unit of the National Park System. The legislation would change that by designating a First State National Historical Park. The park would include historical sites, such as an area in Dover where local officials decided to ratify the U.S. Constitution. Sens. Thomas Carper (D-Del.)

and Chris Coons (D-Del.) introduced the Senate bill. Rep. Chris Carney (D-Del.) introduced a counterpart bill. Said Carney, "Delaware has a long and distinguished history that helps tell the story of the founding of this great nation. From Fort Christina to Dover Green, our state's character and prestige is indelibly linked to our historic landmarks. I look forward to working with my colleagues to make this vision a reality." The bill last year was included in an omnibus lands bill that failed in the waning days of December.

#### **Schweitzer bans Y'stone bison.**

Montana Gov. Brian Schweitzer (D-Mont.) issued a can't lose edict February 15 when he banned the export of bison from Yellowstone National Park into Montana. That's good for the cattle ranchers in Montana because it protects the herds from the infectious brucellosis disease.

It's good for animal rights advocates because it prevents the Park Service from removing the animals from the park for slaughter. Schweitzer's executive order is for a period of 90 days.

#### **Sport fishing, hunting funds out.**

The Interior Department said February 16 that the Fish and Wildlife Service distributed this year more than \$749 in grants from the Pittman-Robertson Wildlife Restoration Program and the Dingell-Johnson Sport Fish Restoration Program. The Pittman-Robertson program distributed more than \$384 million. The money comes from taxes on hunting equipment, including an 11 percent excise tax on firearms and ammunition. The Dingell-Johnson program allocated almost \$365 million. The money comes from excise taxes and import duties on sport fishing equipment, motorboat and small engine fuels, and pleasure boats.

## **Boxscore of Legislation**

### LEGISLATION

### STATUS

### COMMENT

#### **Appropriations 2011 CR Omnibus**

HR 1 (Rogers)

House approved February 19.  
Senate takes up next week.

Would reduce spending for most outdoor programs, particularly LWCF. Replaces four following bills.

#### **Appropriations 2011 (Interior)**

No bill number yet  
(See first item)

House subcommittee approved  
July 22, 2010.

Would roughly maintain FY 2010 spending with some increase for LWCF.

#### **Appropriations fiscal 2011 (Energy and water)**

No House bill yet  
S 3635 (Dorgan)  
(See first item)

House subcommittee approved July 15, 2010., Senate committee approved July 22, 2010.

Would roughly maintain FY 2010 spending.

#### **Appropriations fiscal 2011 (Agriculture)**

No bill number yet  
S 3606 (Kohl)  
(See first item)

House subcommittee approved  
June 30, 2010. Senate committee approved July 15, 2010.

Would reduce spending somewhat compared to FY 2010.

#### **Appropriations fiscal 2011 (Transportation)**

HR 5850 (Olver)  
S 3644 (Murray)  
(See first item)

House approved July 29. Senate committee approved July 22, 2010.

House would increase spending somewhat, Senate would maintain status quo.

#### **Appropriations fiscal 2012**

No bill yet

Administration introduced  
February 14.

Would reduce spending overall but give LWCF full funding of \$900M.

#### **National monuments**

HR 302 (Foxx)  
HR 758 (Herger)  
S 407 (Crapo)

Foxx introduced January 18.  
Herger and Crapo introduced  
February 17.

Foxx would require state approval of any national monument under Antiquities Act. Herger, Crapo would require Hill approval within two years.

#### **National park overflights**

HR 658 (Mica)  
S 223 (Rockefeller)

House panel approved Feb. 16.  
Senate approved February 17.

Mica would revise overflight policy. Senate tilting more toward protection.

#### **Ski resort summer uses**

HR 765 (Bishop)  
S 382 (Udall)

Bishop introduced February 17.  
Udall introduced February 17.

Would have FS allow year-round rec activities in ski resorts.