

Federal Parks & Recreation

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Interior encourages allies to promote AGO and LWCF

Interior Department leaders met
with more than 100 conservation leaders
May 10 to pump up support for Secretary
of Interior Ken Salazar's Legacy agenda.

Salazar is reportedly concerned
that support for his agenda – and for
the agenda of the President's America's
Great Outdoors (AGO) initiative – may be
crushed by the national drive to reduce
federal spending. That drive is being
mounted by both Congress and the Obama
administration.

A centerpiece of both the secre-
tary's agenda and AGO is full funding
for the Land and Water Conservation Fund
(LWCF) and that is reportedly at the
heart of Salazar's concern.

At the meeting Salazar and his
aides were clearly making a pitch for
Republican support for LWCF. Attend-
ing the meeting were Bush administration
White House Counsel C. Boyden Gray and
former Rep. Sherwood Boehlert (R-N.Y.),
among other Republicans.

The attendees included a Who's Who
of the conservation world, including the
recreation industry. In the crowd were
representatives of the Rockefeller fam-
ily, representatives of the Pew family,
legendary conservationist Henry Diamond
and former National Geographic Society
Chairman Gilbert Grosvenor.

"It was a revival kind of meet-
ing," said one attendee. "I do think
the needle was moved. Salazar did an
Oprah thing where he walked into the au-
dience with an open mic. He took ques-
tions from about 18 people."

Said Alan Rowsome, who handles
budget issues for The Wilderness Soci-
ety, "We're trying to use all our re-

sources to influence the 2012 budget. It's such a challenge after the 2011 (budget reductions)."

Rowsome said Salazar is an effective point man. "There is no better advocate for LWCF and AGO," he said. "He has the ear of the President and the Vice President. And he has talked to the American public."

Among the varied organizations with representatives at the meeting were the National Marine Manufacturers Association, the Recreation Vehicle Industry Association, the Xanterra national park concessions company, the Outdoor Industry Association, the American Recreation Coalition, The Wilderness Society, and the National Parks Recreation Association.

The AGO report's central recommendation called for full funding of LWCF at \$900 million per year, but the report did not recommend that the money be guaranteed. Thus LWCF is now, and apparently will continue to be, susceptible to the whims of Congress in annual appropriations bills.

The administration did back AGO and LWCF 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 and \$200 million for state grants. By contrast the fiscal year 2011 appropriations law (PL 112-10 of April 15) provided \$300 million less for federal acquisition, or \$165 million, and \$160 million less for state grants, or \$40 million.

To avoid further reductions Salazar called out the troops May 10. Conservation groups were already on board. In an annual Green Budget in March they endorsed both the AGO report and full funding for LWCF. "The (AGO) Report released by President Obama in February 2011 showed unequivocally that LWCF is the highest conservation funding priority of this Administration, and that sentiment was echoed by Americans across the country during the 51 listening sessions," said the report.

While most of the attendees sup-

port LWCF, some also note that that it is not the only conservation priority. Said Derrick Crandall, president of the American Recreation Coalition, "We will continue to support full funding of LWCF, but that is just one of many good programs that is at risk and needs support."

At one point during the meeting Jenn Dice, government affairs director of the International Mountain Biking Association, noted that little reference had been made to recreation, except by Bureau of Land Management Director Bob Abbey.

Dice told us after the meeting, "I said the AGO report had a log of great things to say about recreation but in the first hour and forty minutes of the meeting I only heard recreation mentioned seven times, and three times by Abbey. I talked about the enthusiasm the conservation movement would generate if conservation were wrapped in recreation where people could hike, mountain bike and fish."

Dice also noted, "I quoted (NPS) Director (Jon) Jarvis's opening remarks. He asked, 'How are you going to reposition conservation with the American public.' I said we are going to trick 'em. We're going to let 'em hike and mountain bike and climb. That's what the next generation is going to look like. They will fall in love with the land and they will want to protect the places they love where they play."

In a related event Salazar at the meeting singled out one of the architects of LWCF, Henry Diamond, presenting him with the Interior Department's Lifetime Conservation Achievement Award. For 60 years Diamond has played a major role on the national stage in the development and implementation of LWCF.

In still another moment of note Salazar talked of a new national park in the offing. The presumption there is he was referring to legislation (S 323) that would establish a First State National Historical Park in the State of Delaware. The Senate Energy Committee held a hearing on the bill May 11.

The agenda for the meeting was laid out in an invitation from Deputy Assistant Secretary of Interior for Fish and Wildlife and Parks William Shafroth. It said, "The Secretary would like to share his thoughts on the challenges and opportunities facing our outdoor resources and engage in a dialogue regarding the future of how our nation supports conservation and outdoor recreation - including the Land and Water Conservation Fund, conservation easement tax incentives, the North American Wetlands Conservation Act, and many other programs."

The AGO did not anticipate that the Interior Department alone would take the lead in implementing its report. Indeed the report recommended the establishment of a Federal Interagency Council on Recreation chaired by Council on Environmental Quality Chair Nancy Sutley. The council is trying to focus on overlapping jurisdictions among the Interior Department, the Forest Service, Department of Health and Human Services and the Department of Housing and Urban Development.

The coordinating council has been holding regular meetings and is putting together an implementation report to the President that is due in September.

Organizations such as the National Association of Recreation Resource Planners (NARRP) are continuing to shine a spotlight on the AGO recommendations. The theme of the planners' annual meeting May 23-26 in Breckenridge, Colo., will be Innovations in Connecting Americans to Our Great Outdoors.

"Exploring ways to fulfill the AGO mission is paramount if we are to sustain our natural and cultural treasures, improve public health, and reinvigorate local economies through recreation and tourism," said conference planning committee co-chair Scott Babcock.

The association intends to presents NARRP Achievement Awards to Sutley and Salazar for their work on AGO.

For its part the Interior Department is linking virtually every announcement to AGO. For instance on

April 29 Salazar went to South Dakota to highlight an initiative to establish a Dakota Grasslands Conservation Area. The proposal calls for the acquisition by the Fish and Wildlife Service of easements on two million acres of prairie habitat.

"One of the major goals we have established for the America's Great Outdoors initiatives is to work in partnership with private landowners to conserve America's working landscapes," Salazar said.

Senate hearing on parks bills sparks thoughts of omnibus

The Senate Energy Committee held a hearing May 11 on a miscellany of park and rec bills that were included in a failed omnibus measure last year, immediately touching off speculation about another omnibus this year.

But a committee staff member said the panel is simply clearing the air on the bills that were subjected to full hearings in the last Congress. "Instead of doing them all over we will just update the record and give anyone on the committee a chance to ask questions about them," the staff member said.

What are the possibilities the hearing is a first step toward an omnibus bill later this year? "We have had no discussions on how to proceed after the hearing," he said.

But the American Land Rights Association (ALRA) greeted the news of the hearing as a precursor to another omnibus bill. "We believe these bills are being prepared for an Omnibus Federal Lands Bill," ALRA told its members in an alert.

ALRA also objected that outside witnesses were not allowed to testify. But the staff said the bills had all been subjected to thorough hearings in the past.

At the May 11 hearing the Obama administration essentially repeated its past support to measures that include an expansion of authority to acquire Revolutionary War and War of 1812 battle-

fields, designate a first national park in Delaware, transfer management of the Valles Caldera in New Mexico from the Forest Service to the Park Service, and designate a Chimney Rock National Monument in Colorado.

The staff member said the committee intends to hold group hearings on other lands bills later this spring, many of which were also included in the omnibus bill last year.

Last year's 1,003-page omnibus (S 303) died in December when supporters (1) ran out of time and (2) ran out of votes in the Senate. Western Republicans led the opposition to the measure. Senate Majority Leader Harry Reid (D-Nev.) pulled the plug Dec. 21, 2010.

The May 11 Senate Energy Committee hearing included these four bills from the omnibus:

* REVOLUTIONARY WAR AND WAR OF 1812: (S 779) Would authorize the Park Service to acquire battlefields through fiscal 2022 with up to \$10 million per year for Civil War battles and \$10 million total for Revolutionary War and War of 1812 battles;

* NATIONAL PARK IN DELAWARE: (S 323) Would establish a First State National Historical Park in the State of Delaware to recognize in part the state's role in the establishment of the republic;

* VALLES CALDERA TRANSFER FROM NPS TO FS: (S 564) Would transfer 88,900 acres in the Valles Caldera of the Santa Fe National Forest to the National Park Service; and

* NATIONAL MONUMENT: CHIMNEY ROCK: (S 508) Would designate a 4,726-acre monument in the San Juan National Forest in the San Juan Mountains of southwest Colorado.

Last year's omnibus also included the following bills. We have indicated where bills have been introduced in this Congress and thus are potential candidates for any new omnibus:

* SKI AREA SUMMER AUTHORIZATIONS:

(New bills – S 382 and HR 765) Would make clear what uses ski resorts may and may not provide on federal lands in the off-season. The ski industry asked Congress to provide specific authority so member resorts could offer additional services in the summer off-season.

* WACO MAMMOTH NATIONAL MONUMENT: (New bill – S 849) Would include in the National Park System a site that includes remains of mammoths in Waco, Texas.

* GETTYSBURG EXPANSION: (New bill – HR 1335) Would add the Gettysburg Railroad Station to Gettysburg National Military Park and would add a 45-acre tract south of the battlefield to the park.

* FEDERAL LAND TRANSACTION FACILITATION ACT: (New bill – S 714) Would allow the Bureau of Land Management to sell lands cleared by all land management plans, not just plans completed prior to 2000, as the old law does. Most of that money is used for conservation and acquisition.

* NATIONAL WOMEN'S HISTORY MUSEUM: (New bills – S 680 and HR 1269). The Senate Environment and Public Works Committee approved S 680 May 2. The bill would authorize the transfer of federal land in Washington, D.C., to the National Women's History Museum, Inc. for the establishment of a women's museum.

Of note, included in last year's omnibus was a bill to make the LAND AND WATER CONSERVATION FUND permanent. The law is now scheduled to expire in 2015. The bill would NOT have guaranteed payments each year. Annual allocations would still be subject to appropriations bills. The law authorizes spending up to \$900 million per year, but appropriators seldom put up that much money.

Budget battle resumes with another closure threat

Here we go again. If Congress does not agree to increase the federal deficit soon the federal government, or most of the federal government, may be forced to close its doors.

At press time Congressional Republican leaders were negotiating with the Obama administration on a possible trade-off - the debt could be raised but only if the federal deficit was slashed.

If that doesn't work, the government may be forced to shut down nonessential portions of the federal government, including recreation areas and national park units. Essential operations in the Interior Department would continue, including law enforcement and fire fighting.

The precise date when the federal government would run out of money is not clear. The Department of the Treasury originally said May 16 was the deadline, but this week it said a surge in tax collections may provide a reprieve until August.

On a separate track Senate Budget Committee Chairman Kent Conrad (N.Dak.) this week began circulating a draft of a fiscal year 2012 Congressional budget. While details of the draft had not been made public, it was expected to recommend a ceiling for natural resources spending higher than the House has approved.

Senate Budget Committee Republicans, led by ranking minority member Jeff Sessions (Ala.), are pressing Conrad to get moving. "No action has been scheduled in the budget committee, no plan has been shared with the public, and no resolution has been brought to a vote," he said May 11.

Congressional budgets don't authorize any particular activities. They do establish spending ceilings for committees.

Usually with a Congressional budget in place, as the House has approved, appropriations subcommittees begin work on spending bills. Logically that would begin this month. But this year the House subcommittee on Interior appropriations and other subcommittees are expected to wait until the completion of negotiations over the national debt and reduction of the federal deficit. That could delay mark-up until June or later.

Meanwhile, House allies of historic preservationists are circulating a "Dear Colleagues" letter in support of a \$70 million appropriation for the Historic Preservation Fund in fiscal 2012. Reps. Michael Turner (R-Ohio) and Russ Carnahan (D-Mo.) are circulating the letter.

The Dear Colleague Letter says, "Of the total request, \$50 million is for State Historic Preservation Officers, \$11 million for Tribal Historic Preservation Officers, and the remaining \$9 million should go for much needed grant programs like Save America's Treasures and Preserve America with fully competitive, non-earmarked awards."

Congress appropriated \$54.5 million for the Historic Preservation Fund for fiscal 2011, or \$25 million less than the \$79.5 million in fiscal 2010. It appropriated no money for Save America's Treasures and Preserve America in fiscal 2011.

The budget passed by the House April 15 would have line committees continue natural resources spending at the fiscal 2011 level of \$32 billion. In contrast House Democrats offered a competing budget that would increase natural resources spending substantially by \$5.2 billion to \$37.4 billion. The majority Republicans rejected it in a 166-to-259 vote. The House Democrats roughly matched the Obama administration's recommendation of \$37.4 billion for natural resources.

The Senate Budget Committee version of a Congressional budget is expected to come closer on natural resources spending to the Obama/House Democrat number than to the House bill.

The Congressional debt ceiling is normally a separate legislative animal from the Congressional budget. But because of the enormous national debt Republicans and some Democrats have combined the debate over the two issues.

If the debt limit is not increased, the government may be forced to shut down. In the event of a closure Interior Department contingency plans would keep going a Dingell Johnson sport

fishing program and a Pittman-Robertson sport hunting program, law enforcement and fire fighting. (The Dingell-Johnson and Pittman-Robertson program derive their state grant money from fees and taxes, so do not rely on appropriations.)

But the Interior contingency plan says that to be closed are "National Parks, National Wildlife Refuges, BLM public lands including campgrounds, visitor centers, concession services."

The contingency plan reinforces the closures saying, "Visitor centers will be closed and access to park areas denied, including the State of Liberty and Ellis Island, Independence Hall, Alcatraz, and the Washington Monument."

Some employees would work. "Based on the developed plans, approximately 52,300 of the 68,900 Department of the interior employees projected to be in pay status will be furloughed at the outset of a suspension of activities," says the department contingency plan.

Yellowstone would allow changeable snowmobile limits

Yellowstone National Park May 10 proposed a new strategy for snowmobile use in the park – variable daily limits.

Beginning with this winter – 2011-2012 – the park would allow as many as 330 snowmobiles on peak days and as few as 110 on slow days. The average would be 254 machines per day.

By comparison last winter – 2010-2011 – the park posted a daily limit of 318 snowmobiles per day. A 2004 plan allowed 720.

The Interior Department is trying to find a middle ground between environmentalists who recommend no snowmobiles in the park and users who would prefer something closer to the 2004 limits of 720 machines.

Jack Welch, special project consultant for the BlueRibbon Coalition, a pro-snowmobile group, said his orga-

nization has not had time to parse the complex proposal thoroughly. But as an initial matter Welch said variable daily limits are fine if they take into consideration high demand periods.

"We'd like to see slightly higher ceilings for holidays like the Christmas season, Martin Luther King Birthday, Presidents' Day," he said. "We'd like to see a slightly higher limit to about 450 because of the people who are being turned away now."

The Greater Yellowstone Coalition responded to the draft EIS by renewing its call for elimination of snowmobiles in the park, while accepting snowcoaches. The coalition said, "GYC continues to advocate for transition to snowcoaches as the best solution for long-term preservation of Yellowstone's winter quiet, clean air, and wildlife."

The coalition said its mission is "To phase out snowmobiles in Yellowstone in favor of cleaner, quieter, more efficient snowcoaches that still provide ample access for visitors to explore and enjoy Yellowstone's remarkable wildlife and geysers in winter."

The Wyoming Congressional delegation did not render an opinion on the draft EIS other than to say they have "fought for years to increase snowmobile and snowcoach access,"

The Park Service for the fourth time in a decade is attempting to develop a permanent rule to govern snowmobile use in Yellowstone. The previous three rules were thrown out by various courts, forcing NPS to issue temporary rules.

The draft plan/EIS presents seven alternatives, ranging from no motorized use to up to 720 snowmobiles and 78 snowcoaches per day. The park will host six public hearings the first three weeks of June with two in Wyoming, two in Montana, one in Colorado and one in Washington, D.C.

The park intends to issue a final EIS, a decision, and a final rule before the start of the 2011-2012 winter season in mid-December.

Except for Alternative One, which would bar all powered vehicles from the park, the alternatives anticipate substantial snowcoach use to complement snowmobile use. In fact NPS projects that many more people will visit the park in winter via snowcoach than on snowmobiles. That is, on really busy days Yellowstone estimates 640 visitors in snowcoaches and 429 visitors on snowmobiles.

The most-heated debate as always centers on environmental impacts of snowmobiles on wildlife, noise and air quality. Or as the Greater Yellowstone Coalition put it, "Snowmobiles have been a noisy, air-fouling, wildlife-stressing influence in Yellowstone for four decades."

In the draft EIS the Park Service estimates environmental impacts from the preferred alternative to be "moderate." The park says that disruption to wildlife would be "minimal," that snowmobiles and snowmachines would produce noise "at levels that still allow for times of natural quiet," and that harm to air quality would be no worse than at present, which meets "all regulatory standards."

Here are the seven alternatives:

Alternative 1: No Action. This would forbid access for any over-snow vehicles in the park, whether snowmobiles or snowcoaches.

Alternative 2: Existing limits. This would keep in place the present limits of 318 snowmobiles and 78 snowcoaches per day.

Alternative 3: 2004 limits. This would increase the limit on snowmobiles to 720 per day and keep the 78 snowcoach per day limit of this last winter.

Alternative 4: Mixed use. This would allow up to 110 snowmobiles and 30 snowcoaches per days.

Alternative 5: Same as alternative 2 (extension of last winter's levels), but would require transition to snowcoaches only with a limit of 120 snowcoaches.

Alternative 6: Fairly high level. This would establish varying levels of snowmobile use, with up to 540 snowmobiles per day and 78 snowcoaches.

Alternative 7. Preferred alternative with varying levels of use. For one-half of winter days (45 of them) the park would allow up to 330 snowmobiles per day, for one-third of winter days (30 of them) the park would allow up to 220 snowmobiles per day and for one-sixth of winter days (15 of them) the park would allow between 110 and 143 snowmobiles per day. The alternative would allow from 80 snowcoaches per day in busy season to 30 per day. For more information on the plan go to <http://parkplanning.nps.gov/yell>.

Rec trails advocates say program pays its own way

As the House Transportation Committee gears up to write a new surface transportation bill, 74 House members May 5 put in a plug for the recreational trails program (RTP).

Although committee chairman John Mica (R-Fla.) has made it clear that he does not favor spending gasoline tax revenues on recreation, the 74 House members argued that RTP is different because it pays its own way.

That is, the program is financed by taxes on fuel used by snowmobiles, all-terrain vehicles, off-highway motorcycles, and off-highway light trucks.

Said the House members, "The philosophy behind the RTP is simple: Fuel taxes collected from non-highway users should benefit those who paid the taxes. . . As the Committee works to streamline and consolidate programs, it should continue to recognize the unique character of this program."

Signatories included influential Republicans such as Rep. John Petri (R-Wis.), a ranking member of the transportation committee, and Rep. Mike Simpson (R-Idaho), chairman of the House subcommittee on Interior appropriations.

A broad coalition of interest

groups from the recreation industry to conservation groups supports the program. Said the Rails-to-Trails Conservancy in urging its members to lobby on behalf of the House letter, "The Recreational Trails Program (RTP) is a crown jewel in our nation's transportation program. Created in 1991, RTP has funded more than 13,000 trail projects around the country, inducing significant economic development in the communities around these trails."

Meanwhile, Mica and his staff have outlined a tentative schedule for marking up a lean, multi-year surface transportation bill. The committee staff is projected to complete a draft of a chairman's mark sometime this month in time for Mica to circulate it among members and perhaps interest groups.

Committee mark-up could begin as early as late this month, but more likely in early June.

As for the substance of a bill Mica has offered broad hints. First and foremost, he will oppose any increase in the gasoline tax, meaning the measure would cause a huge decrease in spending from the \$42 billion per year now to a range of \$26-to-\$28 billion.

Second, Mica has recommended the elimination of "fluff" programs. That is widely interpreted as meaning that such recreation programs as transportation enhancements and Safe Routes to Schools would be at risk. At best they would be put under a discretionary program that would allow states to spend the money as they will. Given a huge backlog in highway and bridge construction, that means little money would come the way of recreation.

But the House doesn't operate alone. The Senate Environment and Public Works Committee under Sen. Barbara Boxer (D-Calif.) is expected to mark up in June a counterpart bill that would spend at least three times as much as a Mica bill.

Boxer has said she will model her bill on an Obama administration proposal in the fiscal 2012 budget that calls for a \$556 billion, six-year surface trans-

portation program. The Obama proposal would provide significant funding for such outdoor programs as transportation enhancements, recreational trails, scenic byways and federal lands roads.

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

Given the almost-certain gap between a House Republican bill and a Senate Democratic bill the chances of a conference committee reaching agreement in the fall are not great, particularly with a national election only a year away from the expected conference committee date. So some kind of two-year extension is a good possibility.

However, Mica is expected to push hard for a six-year bill as a political crowning achievement. Republican rules limit a member to six years as either ranking member or chairman, so Mica has to strike by the end of next year.

There is a deadline of the end of September to produce a new bill, whether for two years or six years or somewhere in between. President Obama signed a bill into law March 4 that extends the existing surface transportation law for seven months, or until the end of September (PL 112-5).

The RTP letter from 72 House members did not ask for a specific allocation to the recreational trails program. Under the current surface transportation law it receives more than \$80 million per year. (It is understood that the program may receive \$97 million this year because of turned-back earmark money.)

However, the House members did ask for a Department of Transportation study on gas tax contributions from rec trail users. "Since RTP is supported by taxes on fuel used in off-highway recreational vehicles, we request a DOT study of off-highway recreational fuel use to ensure that the level of RTP funding reflects the federal fuel taxes paid by off-highway users," they wrote.

The letter was sent to Mica, ranking committee Democrat Nick Joe Rahall (W.Va.), subcommittee on Transportation Chairman John J. Duncan, Jr. and ranking Democrat on the Duncan subcommittee Peter A. DeFazio (D-Ore.)

The existing RTP formula distributes half of the funds equally among states and half based on recreational fuel use in a state.

One concern of RTP supporters is the nature of the program – it is not transportation-related. So, if as the administration recommends and it is wrapped into a livability program, it could get lost because it doesn't enhance transportation.

FS planning rule elicits bipartisan criticism on Hill

The Forest Service's attempt to write a new planning rule took a couple more hits May 5, this time from both a Republican and a Democratic House member.

At a hearing of the House Agriculture Committee's subcommittee on conservation, chairman Glenn Thompson (R-Penn.) and ranking minority member Tim Holden (D-Penn.) criticized the Forest Service for tilting too far towards protecting resources.

Said Thompson, "While I appreciate the efforts of the Forest Service in drafting the proposed rule, I do not believe it goes far enough to ensure engagement in active land management practices, and to secure the economic viability of timber production."

Echoed Holden, "A good planning rule should take into account the multiple uses of our national forestland including timber production, habitat preservation, natural resource management and recreation and ensure local economic development and environmental protections work in harmony instead of in competition with each other."

The draft rule of February 14 had created concern among commodity groups

by broadening a mandate to ensure the viability of species.

Recreation interests are concerned as well with language that talks of "sustainable" recreation. They are not sure if that means recreation must not make natural resources unsustainable and/or that recreation must pay for itself with fees.

At any rate the Forest Service is expected to extend the comment period on the proposed rule beyond the existing May 16 deadline.

The extension would give the public an opportunity to evaluate an April 27 scientific review of the draft rule put together by seven scientists. The scientists essentially said they agreed with the Forest Service work thus far.

Said the report, "Reviewers addressed three key questions on the DEIS, regarding scientific caliber, treatment of uncertainty, and comprehensiveness of the document. Reviewers were generally in agreement that the overall standard of scientific work in the DEIS was high."

The 112-page Science Review is available at: www.fs.usda.gov/goto/planningrule/sciencereview.

The seven reviewers were: Dr. John P. Hayes, University of Florida; Dr. Alan T. Herlihy, Oregon State University; Dr. Robert B. Jackson, Duke University; Dr. Glenn P. Juday, University of Alaska; Dr. William S. Keeton, University of Vermont; Dr. Jessica E. Leahy, University of Maine; and Dr. Barry R. Noon, Colorado State University.

A Forest Service spokesman told us that the review team did not constitute a potentially controversial committee of scientists and that the agency "does not intend" to assemble such a committee.

But the spokesman did say the service wanted another set of eyes to review the "scientific foundation" of the draft rule. "After the release of the proposed rule and draft EIS, a neutral third party was contracted to select scientists and conduct a review of the environmental impact statement. . . The

planning rule team will use that review to improve the analysis of the proposed rule and alternatives for the final environmental impact statement," said the spokesman.

Because of the uncertainty surrounding the science review a coalition of user groups including powered-recreation interests asked for an extension in the comment period for 90 days.

As required by the National Forest Management Act (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 since 1996.

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 proposed rule and information about public comments are available at www.fs.usda.gov/planningrule.

Interior looks for help to pay for \$600M D.C. mall plan

Secretary of Interior Ken Salazar May 5 kicked off a public-private campaign to raise money to pay for a \$600 million restoration program for the National Mall in Washington, D.C.

Former First Lady Laura Bush will serve as honorary chair for the campaign, which has set a fund-raising goal of \$350 million. Presumably, Congress will be asked to put up the rest of the money.

Salazar and NPS Director Jon Jarvis signed Nov. 9, 2010, the ambitious plan to restore the nation's mall. The plan would upgrade monuments and grounds that stretch the more than two miles from the Lincoln Memorial to the Capitol

Building. Along the route lie the Washington Monument, the Jefferson Memorial, the Smithsonian Institution, the World War II Memorial, the Korean War Memorial, and the National Gallery of Art.

As we reported in November, nothing will happen without money. "The approval of the plan does not guarantee that funding and staffing needed to implement the plan will be forthcoming," says the plan. "Full implementation of the plan could be many years in the future."

From the beginning, the authors of the plan have anticipated some sort of public-private partnership would pay the bills. The leading nonfederal entity will be the Trust for the National Mall, under realtor John E. "Chip" Akridge, III.

Portions of the mall are in a scruffy state. A reflecting pool is grungy, lawns are worn down to bare dirt, buildings are deteriorating and pedestrian walks are falling apart. Last fall Salazar said the current condition of the mall merits a "C" grade, but said the plan would bring that up to an "A".

The American Recovery and Reinvestment Act (ARRA) put almost \$50 million into restoration of facilities on the mall. That money is not included in the \$600 million estimate. The ARRA economic stimulus law provided \$30 million for reconstruction of the Lincoln Memorial Reflecting Pool, \$12 million to rehabilitate a Tidal Basin seawall and \$7 million to restore a D.C. War Memorial.

The \$600 million figure is a little misleading in that a no action alternative in the plan would still cost about \$400 million to manage the mall as it is now managed. So the preferred alternative would cost about \$200 million above anticipated existing appropriations.

The preferred alternative lists these costs:

- * New visitor facilities; \$62.6 million
- * Other facility costs (paths, restoration); \$198.8 million

- * Rehabilitation of water features, \$299.1 million
- * Natural resource restoration, \$40 million to \$80 million
- * Education and communications, \$5.6 million to \$7.6 million
- * TOTAL: \$606 million to \$648 million.

Said Salazar on announcing the partnership's goals and Laura Bush's participation, "The National Mall is where we come to learn about our country, our leaders, and to celebrate our shared values of equality and freedom. It is imperative that we work with our philanthropic partners, the private sectors, and all Americans to ensure this special park - our most visited National Park - is able to carry forward our nation's principles, ideals, and stories for the generations that follow."

State of Utah files 'wild lands' suit; Alaska supports

With the backing of the State of Alaska, the State of Utah filed a lawsuit April 29 to block Secretary of Interior Ken Salazar's 'wild lands' policy.

The states argued, just as Utah counties did in a previous lawsuit, that only Congress has the authority to designate wilderness, and the Interior Department policy usurps that authority.

"Federal law makes it clear that wilderness designation is reserved to Congress, not the executive branch, and the time has passed to designate additional wilderness," said Utah Chief Deputy Attorney General John Swallow.

Alaska Gov. Sean Parnell (R) also argued the policy was promulgated without consultation with the public. "Not only is the 'Wild Lands' order bad policy, it was imposed without following the procedures required by Congress that are designed to allow members of the public and affected states to have notice, information, and an opportunity to comment before BLM's new policy became final," he said.

Secretary of Interior Ken Salazar kicked off the wild lands policy on Dec. 22, 2010, when he directed the Bureau of

Land Management (BLM) to review lands with wilderness characteristics and to designate wild lands. Salazar put that direction in Secretarial Order 3310.

A fiscal year 2011 spending bill President Obama signed April 15 (PL 112-10) blocks the wild lands policy through September by shutting off money for it. The relevant provision was inserted in the bill by Rep. Mike Simpson (R-Idaho).

Although the provision applies just to fiscal 2011, it's the nature of appropriations that once appropriators approve such a provision for one year, the provision remains in future appropriations bills.

The Obama administration says the policy makes no substantive change in the way public lands are managed. It is simply a clarification. Argued BLM Director Bob Abbey in a recent piece in the *Albuquerque Journal*, "The Wild Lands policy doesn't change the management of a single acre of public land. It simply clarifies how the Bureau of Land Management should manage the public lands for all of the values and multiple uses for which it is responsible, from energy development to recreation and backcountry protection."

In an initial lawsuit filed on March 22 Utah counties plowed much the same ground as the States of Utah and Alaska, charging that the policy violates the mandate of The Wilderness Act that only Congress may designate wilderness. The suit also charges that the policy violates a Federal Lands Policy and Management Act (FLPMA) requirement that BLM follow rule-making procedures and a 2003 agreement on wilderness reviews between the Interior Department and Utah.

The suit was filed by Uintah County and the Utah Association of Counties in U.S. District Court in Utah.

The State of Utah lawsuit also argues that the policy violates FLPMA planning provisions by effectively revising land use plans without following requisite procedures. The Utah suit was filed in the same federal court in Utah as the county suit.

The State of Alaska in a memo to the federal court in Utah seeking permission to participate in the case as an amicus curiae argued the order violated The Wilderness Act, FLPMA and administrative procedures.

In seeking permission to enter the case Alaska said, "While some of the issues raised in this case are specific to Utah, resolution of the fundamental issues in the case will affect all states in which BLM administers public land. With over 72 million acres of BLM-administered land in its borders—more than any other state—Alaska is uniquely situated to provide the Court with perspective on the national impacts of its decision in Utah."

Pew says uranium risk more than just near Grand Canyon

The Pew Environmental Group said in a report last month that Grand Canyon National Park is not the only national park or monument threatened by new uranium mining.

Although Grand Canyon is still at risk, the group said, so are nine other parks and monuments. They are: Yosemite, Arches, Canyonlands and Joshua Tree National Parks; Mount Rushmore National Memorial in South Dakota; Mount St. Helens National Volcanic Monument in Washington; Siskiyou Wild Rivers in Oregon; Gila Wilderness in New Mexico; and Dinosaur National Monument in Colorado and Utah.

In addition to the 8,000 uranium claims on public lands near Grand Canyon, the Pew group said, "More than two-thirds of the claims on public lands near Yosemite National Park and 99 percent of claims surrounding Arches and Canyonlands in Utah have been staked since 2005."

The report surfaces as BLM is evaluating public comment on a draft EIS of February 18 that considers the possible withdrawal from uranium mining of 1 million acres of BLM and Forest Service land near Grand Canyon for 20 years.

The 1 million acres proposed for

withdrawal are temporarily withdrawn already under a "segregation notice" of July 21, 2009. It 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 late July, less than three months from now.

On release of the draft EIS Secretary of Interior Ken Salazar didn't say 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."

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

The Pew report is available at: <http://www.pewenvironment.org/news-room/reports/ten-treasures-at-stake-85899358611>.

In a separate development two House Democrats from New Mexico introduced legislation (HR 1452) earlier this month to convert uranium mining from a claim system to a competitive leasing system. Reps. Martin Heinrich (D-N.M.) and Ben Ray Lujan (D-N.M.) introduced the bill.

Critics of the legislation argue that uranium is difficult to find and requires a mining claim system that allows exploration.

Notes

Other agencies set no-fee days.

Interior Department agencies besides the Park Service are jumping on the fee-free bandwagon for select dates later this year. The Bureau of Land Management (BLM) said it and other department land managers will not charge entrance fees on June 21 (the first day of summer); September 24 (National Public Lands Day); and November 11-13 (Veterans Day weekend). The agencies will not charge standard amenity and individual day-use fees at recreation sites. They will charge camping, cabin rental and group day-use fees. The Park Service in January announced its units would not charge entrance fees on those dates. In addition NPS waived fees for January 15-17 (Martin Luther King, Jr. Day) and April 16-24 (National Park Week). Many national park concessioners offer discounts on fee-free days.

Rep. Hastings is ailing.

House Natural Resources Committee Chairman Doc Hastings (R-Wash.) was hospitalized Sunday for diverticulitis. He was unable to participate in House floor debate this week on Gulf of Mexico energy leasing bills he sponsored. Hastings's office said the Congressman is in good spirits and is looking forward to a return to work. The natural resources committee oversees federal land management agencies, other than the Corps of Engineers and the Department of Defense.

Henry Diamond honored by DoI.

One of the architects of the Land and Water Conservation Fund (LWCF), Henry Diamond, was presented with the Interior Department's highest award May 10, the Lifetime Conservation Achievement Award. For 50 years Diamond, an attorney with the firm Beveridge & Diamond, has served as the head of, or a participant in, more than 30 conservation boards and commissions. Diamond began with President Kennedy's Outdoor Recreation Resources Review Commission, where he helped draw up the report that led to the LWCF law. More recently he co-chaired the Outdoor Resources Review Group. Its recommendations led to President Obama's America's Great Outdoors initiative.

Senators introduce youth bill.

Sen. Jeff Bingaman (D-N.M.) and two of his Democratic colleagues introduced legislation (S 896) May 5 that would beef up the existing Public Lands Corps. S 896 would, among other things, establish an Indian Youth Service Corps and expand on activities that would be eligible. Under the Public Lands Corps Act of 1993 the Interior Department and Department of Agriculture employ youths to perform various tasks to benefit the public lands. Similar bills were introduced in the last Congress in the House and Senate. A predecessor bill was included in an omnibus lands bill last year but it died in the Senate.

Early summer fire potential.

The National Interagency Fire Center (NIFC) forecasts above average danger from wildland fires over the next three months for New Mexico, Arizona and southern Colorado. And a major fire is already burning in South Florida in the Big Cypress National Wildlife Refuge. But most of the fire-torn West can expect normal fire seasons for the period, according to the NIFC. Southern California, which has experienced devastating wildland fires in recent years, is looking fairly good, as is the Pacific Northwest. But the target right now in the West is New Mexico and Arizona. Said the NIFC in a periodic report, "Unusually dry areas with above normal significant fire potential will expand westward and northward across New Mexico and Arizona through the summer while easing through much of Texas." For the Colorado Rockies NIFC predicts, "Above average fire potential is forecast to continue across the southern Front Range mountains generally below 8000 feet. Severe long-term drought conditions, precipitation deficits, marginal green up, and frequent windy and dry periods from lingering La Niña conditions are the primary factors." Areas with projected normal fire seasons include Alaska, the Northern Rockies, and the Great Basin. In a fiscal year 2011 appropriations law (PL 112-10 of April 15), Congress roughly matched with new appropriations the fiscal 2010 levels. The appropriators said the CR appropriates \$3.4 billion for fire programs, with \$981 million for the Interior Department and \$2.46 billion

for the Forest Service. Of that, \$1.7 billion is for suppression (\$384 million for BLM and \$998 million for the Forest Service.) Further of the suppression money FLAME allocations make up \$352 million (\$61 million to the Interior Department and \$291 million to the Forest Service).

Washington acts to protect parks.

The State of Washington enacted legislation late last month that will limit pollution from the coal-fired Centra-lia Power Plant. Parks advocates said the legislation will greatly clean the air over Mount Rainier and Olympic National Parks. By 2020 the law requires the power plant owner, TransAlta, to reduce emissions by half. By 2025 the law requires the plant to end pollution. Stephanie Kodish, clean air counsel for the National Parks Conservation Association, said, "For years, this plant has produced thousands of tons of pollutants and caused an unnatural haze that mars scenic views of Mount Rainier and the Olympic Range." But, Kodish said, this is but one battle in a larger war. "While this represents a major victory for the people of Washington and our national parks, there is much more work that remains to be done across the country to combat air pollution," she said. "In fact, one in three national parks across the country now suffer from air pollution levels that exceed health standards set by (EPA)."

NPS names rehab boss.

The Park Service has chosen a Chicago planner to head an historic preservation office that oversees tax incentives for rehabilitating historic buildings. Brian D. Goeken, former deputy commissioner of Chicago's department of zoning and land use planning, will manage a program that has funneled more than \$58 billion in private investment into restoration of 37,000 historic properties. NPS manages the program along with the Internal Revenue Service. Goeken will serve under NPS Associate Director for Cultural Resources Stephanie Toothman.

Public lands boost birds.

In a new report on the status of the nation's birds the Interior and Agriculture Departments said May 3 that public lands provide opportunities to restore many

bird species. Said Secretary of Interior Ken Salazar, "The good news is that because birds so extensively use public lands and waters as habitat, effective management and conservation efforts can make a significant difference in whether these species recover or slide towards extinction." The 2011 State of the Birds Report was issued jointly by the two departments. It is available at www.stateofthebirds.org.

Conference calendar

MAY

23-26. **National Association of Recreation Resource Planners** annual meeting in Breckenridge, Colo. Contact: National Association of Recreation Resource Planners, P.O. Box 221, Marienville, PA 16239. (814) 927-8212. <http://www.narrp.org>.

JUNE

17-21. **U.S. Conference of Mayors** annual meeting in Baltimore. Contact: U.S. Conference of Mayors, 1620 I St., N.W., Fourth Floor, Washington, DC 20006. (202) 293-7330. <http://www.usmayors.org>.

29-July 1. **Western Governors' Association** annual meeting in Coeur d'Alene, Idaho. Contact: Western Governors' Association, 1515 Cleveland Place, Suite 200, Denver, CO 80202. (303) 623-9378. <http://www.westgov.org>.

JULY

13-15. **The International Convention of Allied Sportfishing Trades** in Las Vegas. Contact: American Sportfishing Association, 225 Reinekers Lane, Suite 420, Alexandria, VA 22314. (703) 519-9691. <http://www.asafishing.org>.

15-19. **National Association of Counties** annual conference in Portland, Ore. 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>.

18-22. **National Speleological Society** annual meeting in Glenwood Springs, Colo. Contact: National Speleological Society, 2813 Cave Ave., Huntsville, AL 35810-4331. (256) 852-1300. <http://www.caves.org>.