

Federal Parks & Recreation

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Congress approves highway bill tough on conservation

President Obama was expected to sign into law today (July 6) a surface transportation bill (HR 4348) that deals a double blow to park and rec programs.

In one blow the bill, as written by a House-Senate conference committee, does NOT include \$700 million per year for the Land and Water Conservation Fund (LWCF) for the next two years. A Senate-passed bill that was before the conferees would have provided the money.

In the other blow the conferees reduced spending substantially for transportation enhancements and Safe Routes to Schools programs. It lumped them into one new line item with the Recreational Trails Program and provided \$760 million per year for the line item. That's about a \$200 million decrease. In addition the programs would have to complete with each other and with other programs for the \$760 million.

The House gave final approval to HR 4348 June 29 in a 373-to-52 vote. The Senate followed on the same day with a 74-to-19 vote. To provide time to dot the i's and cross the t's Congress June 29 approved a temporary bill to keep the existing surface transportation law going until July 6. President Obama signed the week's extension June 29 (PL 112-140).

The Rails-to-Trails Conservancy faulted the conferees. "From a broad transportation reform perspective, there are many reasons for concern, including misguided transportation priorities and gutting of provisions that ensure public input and consideration of the environment in transportation decisions," said Kevin Mills, the conservancy's vice president of policy.

For all that, he said, most rec programs survived, if in a diminished capacity. "The core programs that support trails, bicycling and walking are seriously compromised, but not undone," he said.

House Transportation Committee Chairman John Mica (R-Fla.), a leading critic of recreation spending, said the bill gives states more discretion on where to spend money.

"Critical reforms in this legislation consolidate our transportation programs, significantly streamline the bureaucratic project process, encourage private sector participation in building infrastructure, and give states more flexibility to spend limited Highway Trust Fund resources where they are most needed," he said.

Mica put out a fact sheet that sums up: "Lowers total Transportation Enhancements program funding by \$200 million and gives states the flexibility to use 50% of this money on construction projects."

House Natural Resources Committee Chairman Doc Hastings (R-Wash.) said the conferees wisely removed LWCF money from the bill. "Finally, \$1.4 billion in new, mandatory, automatic spending for the government to buy more land was not included as it harms rural communities and spends money that we simply cannot afford, especially when there's a multi-billion dollar maintenance backlog to care for existing federal lands," he said.

Critics of LWCF such as the American Land Rights Association expect the LWCF battle to be fought again later this year in a yet-to-be assembled omnibus lands bill. Looking ahead to a lame-duck session of Congress after the November 6 elections ALRA told its members this week, "Don't be surprised if they try to add the LWCF to the Omnibus Federal Lands Bill. Your Senators are the most likely to cave in on an Omnibus Federal Land Bill. And you are in grave danger."

Recreational trails: The highway

bill would protect the Recreational Trails Program (RTP) by guaranteeing \$85 million per year. However, the bill would allow states to "opt out of the recreational trails program. . ."

Program supporters are already working to prevent states from opting out of RTP. "We're moving actively to lock recreational trails in," said Derrick Crandall, president of the American Recreation Coalition. "We are encouraging the western governors to pass a resolution. That's 18 states."

He added, "We actually like this in the sense it gives us an opportunity to make our case with an eye on next year. This is a two-year bill so by the middle of 2013 we'll be right back in the middle of this. We believe that nonhighway fuel taxes provide more than \$85 million per year. We want a higher percentage, or about \$200 million." RTP is financed by fuel taxes on equipment other than cars and trucks.

Also in the bill: Although the House-Senate conferees cut back on LWCF and enhancements in the transportation bill they did retain some outdoor provisions that:

- * extend the Wallop-Breaux sport fishing program for two years as is. The Interior Department budget estimates the program will provide \$642.5 million for sport fishing and other recreation programs in fiscal year 2013. The money is derived from taxes on fishing equipment. States would receive an estimated \$358 million in grant money for sport fishing alone from the Fish and Wildlife Service.

- * establish new standards for quiet over Grand Canyon National Park for air tour purposes. The bill says quiet "shall be considered to be achieved in the Park if, for at least 75 percent of each day, 50 percent of the Park is free of sound produced by commercial air tour operations that have an allocation to conduct commercial air tours in the Park as of the date of enactment of this Act."

The provision also requires all planes and helicopters flying over Grand

Canyon to have quiet aircraft technology within 15 years.

* provide substantial money for federal lands roads. The conferees would provide \$240 million per year for the Park Service, \$30 million per year for the Fish and Wildlife Service, \$250 million per year for a Federal Lands Access Program, and \$450 million per year for tribal highways.

NPS air tours: The conferees dropped most of a 26-page Senate provision that would have greatly revised air tour policy over the national parks. Among other things the conferees left out Senate clarification of Federal Aviation Administration (FAA) and Park Service responsibilities for preparing air tour management plans.

Congress directed FAA and NPS to write overflight plans 12 years ago in the National Park Air Tours Management Act of 2000 (title VIII of Public Law 106-181). However, the agencies have completed no plans, allegedly because of conflicts between FAA and NPS.

The final, brief air tour conference provision did two things: It established the new Grand Canyon noise standard and it allowed Crater Lake National Park and Great Smoky Mountains National Park to deny air tour operations.

Background: After two months of negotiations the House-Senate conference committee June 27 struck a compromise between a fully-formed, Senate-passed bill (S 1813) and a House-passed six-month extension bill (HR 4348). However the House Transportation Committee approved a fully-formed bill (HR 7) of its own that did not reach the House floor. HR 7 did provide a negotiating position for House Republicans.

As for the outdoors, the Senate bill would have roughly maintained spending at fiscal year 2012 levels for transportation enhancements, recreational trails, scenic byways and Safe Routes to School. In addition it would have guaranteed \$700 million per year for two years for LWCF without requiring an appropriation. The money

would come from offshore oil and gas revenues. HR 4348 and HR 7 contained few if any of those allocations.

The House and Senate had been working against a June 30 deadline when an existing surface transportation law was due to expire.

The conference agreement is available in several places including: <http://republicans.transportation.house.gov/singlepages.aspx/911>.

House committee money bill takes an axe to outdoors

The House Appropriations Committee June 28 approved a fiscal year 2013 appropriations bill that would slash conservation spending, beginning with the Land and Water Conservation Fund (LWCF).

In a 26-to-19 vote the committee passed an Interior and Related Agencies bill that would reduce LWCF spending by 80 percent (an appropriation of \$66 million), would cut Park Service spending by five percent (by \$134 million) and the Fish and Wildlife Service (FWS) by a big 21 percent (by \$317 million).

The measure is now ready for the House floor. However, the appropriations panel last year approved a fiscal 2012 money bill on July 12, 2011, but the House never completed its bill. The bill was eventually absorbed by an end-of-the-year omnibus spending measure.

The fiscal 2013 committee bill includes riders that would bar designation of wildlands by the Obama administration, would block implementation of a National Oceans Policy, would block implementation of a proposed administration wetlands policy and would declare public lands open to hunting unless specifically closed.

Appropriations subcommittee on Interior and Related Agencies chairman Mike Simpson (R-Idaho) defended the legislation. "The reality is we have a \$16.5 trillion deficit and we need to address spending reductions. They

have to be a part of it," said Simpson, principal architect of the measure. "I wouldn't call this austerity. I'd call it a tough budget, one that addresses the core needs of agencies."

Ranking House subcommittee Democrat Jim Moran (Va.) criticized the majority. "As a result of blind adherence to Mr. Ryan's budget which abandons the bipartisan agreement of last summer the Interior and Environment subcommittee is saddled with an unacceptably unrealistic (spending) allocation," he said.

Ryan is House Budget Committee Chairman Paul Ryan (R-Wis.) His committee's budget (H Con Res 112), accepted by the full House March 29, caps all domestic spending at \$1.028 billion. That is \$19 billion less than the \$1.047 trillion the House agreed to Aug. 2, 2011, in a grand budget agreement with the Obama administration (PL 112-25).

Appropriators translated the Ryan budget into a Simpson subcommittee-spending cap of \$28 billion, or \$1.2 billion less than a fiscal 2012 number of \$29.2 billion. The Senate Appropriations Committee has assigned a fiscal 2013 ceiling of \$29.662 billion for the bill.

Although it cut back on conservation spending the House committee rejected at least two administration proposals to provide added revenues to reduce the deficit - higher fees for the oil and gas industry and the livestock industry for operating on public lands.

The full House Appropriations Committee took up one major outdoor amendment - a proposal by Rep. Norman Dicks (D-Wash.) to allow the Obama administration to implement the National Oceans Policy. It was defeated 20 to 27. (See separate article page 10.)

The National Parks Conservation Association (NPCA) said the bill portends dire consequences for the national parks. Said Craig Obey, NPCA senior vice president for government affairs, "When you analyze the last few

years together with a potential across-the-board cut from a January sequester, the results could be disastrous. We know where this path leads, and it's not a pretty future. As budgets continue to erode, the parks will lose rangers and increasingly crumble into disrepair, and we'll begin to see the closure of campgrounds, visitor facilities, and even entire parks."

Sportsmen also complained about the spending cuts. Said Whit Fosburgh, CEO of the Theodore Roosevelt Conservation Partnership, "This misguided action by the House not only would roll back investments in conservation spending, it also undermines the foundation of our nation's conservation policy. The bill wages a full-frontal assault on basic natural resources management measures that will cost us money and jobs, both in the near and long term."

So the Senate and House will be locking horns over the \$1.662 billion differential and the riders over the course of the summer and fall.

SPENDING: Here are a few of the numbers in the House subcommittee bill:

* *LWCF ACQUISITION:* For federal acquisition the request is \$51,578,000 compared to a fiscal 2012 appropriation of \$186.7 million. For state grants the committee would provide \$2,794,000, compared to a fiscal 2012 appropriation of \$45 million.

* *STATE WILDLIFE GRANTS:* The committee would provide \$30,662,000 compared to a fiscal 2012 appropriation of \$61.3 million.

* *HISTORIC PRESERVATION FUND:* The committee recommended \$42.5 million for State Historic Preservation Offices, a reduction of \$4.425 million from the \$46.925 million appropriation in fiscal 2012.

* *NPS OPERATIONS:* For Park Service operations the committee would provide \$2,228,409,000, compared to a fiscal 2012 appropriation of \$2.240 billion.

* *NPS CONSTRUCTION:* The committee

recommended \$131.2 million for Park Service construction, or \$24.2 million less than the fiscal 2012 appropriation of \$155,336,000.

** NPS REC AND PRES/HERITAGE*

AREAS: The committee recommended \$51.8 million for the National Recreation and Preservation program administered by NPS, or \$8 million less than the fiscal 2012 appropriation of \$59.9 million. The big decrease stems from the Heritage Partnership Program. The committee recommended \$9.3 million, or \$8 million below the \$17.3 million of fiscal 2012.

** FWS:* For operation of the Fish and Wildlife Service the committee would provide \$1,040,488,000 compared to a fiscal 2012 appropriation of \$1,226,177,000.

** FOREST SERVICE:* For the National Forest System the committee would provide \$1,495,484,000 compared to a fiscal 2012 appropriation of \$1,554,137,000.

** FS RECREATION:* The committee recommended \$260 million, or \$21 million below the \$281 million of fiscal 2012.

RIDERS: Here are a few of the riders in the House subcommittee bill:

** WILDLANDS:* Continuing a provision in last year's appropriations law, the committee would bar the Obama administration from carrying out a proposed policy of identifying and designating wild lands. Republicans argue that only Congress has the authority to designate wilderness.

** OCEANS:* Deferring to a request from House Natural Resources Committee Chairman Doc Hastings (R-Wash.), the committee would block implementation of a National Oceans Policy proposed by the Obama administration. Hastings argues the administration policy would lead to zoning of the ocean and a decrease in recreational fishing opportunities.

** WETLANDS:* The bill is but one of many places House Republicans are trying to block implementation of a proposed administration wetlands policy. Republicans argue that the policy would

require a permit for nonnavigable waters, in violation of Supreme Court decisions.

** HUNTING:* The bill would declare public lands open to hunting unless specifically closed. This proposal enjoys some Democratic support and is being proposed by House and Senate Republicans and Democrats in several other bills.

California will use ORV fee money to keep parks going

California Gov. Jerry Brown (D) signed into law June 28 legislation that diverts \$21 million from a user-paid off-highway vehicle (OHV) trust fund to help keep California state parks open.

The \$21 million is a relatively small number in the enormous, \$91.3 billion fiscal year 2012-2013 California budget that Brown signed. But on top of a \$10 million OHV fund reallocation in last year's budget, it infuriated users.

In unsuccessfully asking for a line-item veto of the provision the State Parks Off-Highway Motor Vehicle Recreation Commission wrote Brown June 27, "This action alone is devastating to the OHMVR program and amounts to 36.5% reduction in the OHMVR budget when combined with the \$10M that was diverted from the same account as of FY11/12. Funding reductions on this magnitude leave the program unsustainable and will lead to a fundamental breakdown of managed OHV recreation in California."

One OHV organization criticized the California Parks Foundation for teaming up with environmentalists to seek the transfer of OHV money. "It is extremely disappointing to me that the Foundation has chosen to align itself with an extreme element of the environmental movement in an effort to drive a wedge between the OHV community and the rest of California State Parks," said Don Amador, western representative for the BlueRibbon Coalition.

But the California Parks Foundation and California State Parks are facing the closure of 70 state parks

that was to begin to go into effect July 1. The foundation and its allies have come up with \$340,000 to help keep all but 15 parks open, at least temporarily.

When California Gov. Brown initially proposed a fiscal year 2012-2013 budget in January he anticipated a deficit government-wide of \$9.2 billion, before cuts. But last month he said the deficit would be \$16 billion.

Among other things Brown proposed a reduction in operations spending in the state's once-vaunted parks system by more than 60 percent. The state said it would, among other things, eliminate lifeguards on its formerly incomparable system of state beaches.

The state said it will be forced to reduce spending for park operations from \$117,840,100 in fiscal 2011-12 to \$43,662,600 in the fiscal year beginning July 1.

California's problems contrast with gradually improving economic pictures for state and local governments elsewhere. As we reported in the spring (April 13 issue) the Government Accountability Office, the National Governors Association, the National League of Cities, and the National Association of Counties all said that states, cities and counties are gradually crawling out of the recession.

But not California. There the fiscal 2011-12 California state budget already mandates the closure of 70 of the state's 278 parks by July 1. That will save \$11 million. In addition, the original fiscal 2012-13 budget of January would eliminate 20 percent of ranger positions in the state park system and all lifeguard positions. That would save another \$22 million.

Now Brown has raised the ante with a plan to eliminate lifeguards on beaches, to eliminate grants to local law enforcement agencies for water safety patrols and to reduce fire-fighting capabilities, among other things.

The parks foundation has established a website in support of the parks with background info on

the crisis. It is at <http://www.savestateparks.org/>.

New Y'stone snowmobile policy based on 'events' allowed

Yellowstone National Park proposed still another system for allowing snowmobile use June 29, this one allowing up to 110 "events" per day.

The events would be divided among snowmobiles, snowcoaches, commercial guides and noncommercial guides. For instance, each event could include up to 10 snowmobiles.

To give itself time to implement the new rule (and perhaps to stave off lawsuits) the Park Service said it would delay implementation of the new law for two years.

Said NPS in a draft plan/supplemental EIS, "There would be a two-season transition period to prepare for implementation of the new winter use plan. Provisions of the 2009 to 2012 interim regulations would continue during this transition." So the new rule would not be implemented until the winter of 2014-2015.

Last winter (2011-2012) the park authorized up to 318 snowmobiles and 78 snowcoaches per day. That compares with an earlier Obama administration proposal that would have authorized variable daily limits on snowmobile use with as many as 330 on peak days and as few as 110 on slow days.

When NPS in May 2011 proposed the variable limits it was met with stiff opposition from Wyoming politicians (they demanded a much higher limit) and a coalition of Park Service retirees and environmentalists (they demanded no snowmobiles in the park).

In the most recent June 29 draft plan/SEIS the Park Service offered four alternatives. Alternative One would bar snowmobiles in Yellowstone. Alternative Two would extend last winter's limits (318 snowmobiles and 78 snowcoaches). Alternative Three would begin with last winter's limits and then transition to

all snowcoaches over three winters.

Alternative Four is the preferred alternative that ties snowmobile and snowcoach use to "events." The system is complex but it would begin by defining an event as one snowcoach or one group of snowmobiles of up to 10 machines.

Explained the draft plan/EIS, "Alternative 4 would allow for a total of 110 transportation events each day, which would be distributed among the providers via concessions contracts. Operators would decide whether to use their daily allocation for snowmobiles or snowcoaches, or a mix of both, but no more than 50 daily transportation events parkwide could come from snowmobiles."

The draft plan/EIS continues, "Under alternative 4, all snowmobile use would be guided. Most would be commercially guided, but some noncommercially guided use would be allowed."

NPS said it intends to complete the draft plan/EIS, a record of decision and a final rule before the upcoming 2012-2013 season. The season usually begins mid-December. The agency will hold four open houses later this month in Montana and Wyoming for the public.

For more information on the plan go to <http://parkplanning.nps.gov/yell>. Click on the first item on the list titled 2012 Supplemental Winter Use Plan EIS.

FS's final Colorado roadless rule protects most areas

It took seven years but the Forest Service July 3 issued a final rule to bar road construction in 4.2 million acres of national forests in Colorado.

The rule carves out for the state exceptions to a 2001 Clinton administration roadless rule. The Clinton rule provided blanket protection from road construction for all national forest roadless areas.

The Colorado rule, effective on publication, does not protect 8,300

acres near ski resorts that were included in the 2001 rule, does not protect 19,100 acres of coal mining areas, and allows temporary road construction for existing oil and gas lessees, among other things.

In the final rule the Forest Service changed somewhat a preferred alternative in a final EIS of May 2 to protect trout habitat. The agency said, "The final rule provides for conservation of native cutthroat trout through a requirement to ensure the native cutthroat trout habitat is not diminished over the long-term and the implementation of water conservation practices."

The Forest Service prepared the Colorado-only rule under a Bush administration policy that let states write their own national forest roadless area policies as exceptions to the blanket Clinton rule.

The Colorado rule is based on a joint proposal posted by the Forest Service and the state on April 15, 2011. The rule was begun by Gov. Bill Owens (R) and continued by Govs. Bill Ritter (D) and John Hickenlooper (D).

Sportsmen endorsed the Colorado rule, particularly the changes to protect trout. "The Colorado roadless rule released today - which includes final changes made in response to issues flagged by backcountry users such as hunters and anglers - promises to sustain Colorado's renowned outdoor traditions and most important fish and wildlife habitat for generations to come," said National Wildlife Federation Regional Representative John Gale.

The human-powered recreation industry has complained that the May 2 draft would not provide as much protection for all roadless areas as for upper tier lands. The Outdoor Industry Association recommended May 2 that the Forest Service give the entire 4.2 million acres the same protections it would provide for 1.2 million acres of the "upper tier" lands.

But the Forest Service said in the final rule that it would retain

extra restrictions only for upper tier lands. "The final rule designates 1,219,200 acres of CRAs as upper tier, which are acres where exceptions to road construction and tree cutting are more restrictive and limiting than the 2001 Roadless Rule." Outdoor Industry Association officials were not available to comment this week.

The Colorado rule would protect about 4.19 million acres of the 14.5 million acres the Forest Service manages in the state. The service said the rule would have beneficial impacts of about \$65 million per year.

The service also justified the exclusion of 8,300 acres near 22 ski resorts that operate on national forests because of the huge impact of the industry on Colorado's economy. The exchange would allow the resorts to expand eventually. The service said that Colorado ski operations provide \$2.6 billion year to the state, or one-third of its tourist dollars.

The rule also exempted 19,100 acres of coalmines in the North Fork area of the state. The service said that is less than half of a percent of roadless areas in Colorado. The rule also allows temporary access across roadless areas for existing oil and gas leases.

The Forest Service wrapped up the Colorado-only roadless rule just as federal courts are finally in agreement in support of the Clinton rule. On Oct. 21, 2011, the Tenth U.S. Circuit Court of Appeals upheld the rule. That jibes with a Ninth Circuit Court of Appeals decision.

The appeals court rulings effectively ordered the Forest Service to protect 49 million acres of roadless forest from most road construction and timber harvest. An Idaho-specific rule exempts an additional 9.5 million acres from the Clinton rule, as does the Colorado rule.

Loose ends remain in three other states. The State of Wyoming May 15 appealed the Tenth Circuit decision to the U.S. Supreme Court. In Idaho

environmentalists have sued to undo the Idaho exemption rule. And in Alaska a federal court order included the Tongass National Forest in the national rule against the wishes of the state.

Forty western Republican House members and six senators have introduced major bills (HR 1581, S 1087) to revoke the Clinton rule. The lead sponsors are House Majority Whip Kevin McCarthy (R-Calif.) and Sen. John Barrasso (R-Wyo.)

But 20 senators and more than 100 House members introduced legislation (HR 3465, S 1891) last November to codify the roadless rule. The principal sponsors of S 1891 and HR 3465 were Sen. Maria Cantwell (D-Wash.) and Rep. Jay Inslee (D-Wash.)

Idaho: The State of Idaho successfully petitioned the Forest Service for an Idaho-only rule. The Forest Service approved it Oct. 16, 2008. The Idaho rule governs management of 9.3 million acres of roadless national forest in the state, while allowing development on another 400,000 roadless acres.

House and Senate differ on Manhattan Project site land

The era of good feelings about legislation to establish a Manhattan Project unit in the National Park System came to an end last week as lead House and Senate bills differed on the issue of land acquisition.

A lead House bill (HR 5987), reflecting western Republican concerns about an expanding federal land base, would not allow land purchases.

In addition, the House bill from House Natural Resources Committee Chairman Doc Hastings (R-Wash.) would forbid the use of condemnation to obtain land and would bar federal agencies from establishing a "buffer zone" around the park properties.

The Senate bill from Senate Energy Committee Chairman Jeff Bingaman (D-N.M.) specifically authorizes

land acquisition, does not mention condemnation and does not mention buffer zones.

In testimony on the House bill June 28 the Obama administration said it was apprehensive about those three areas of the House bill. "Among our concerns are the bill language regarding the written consent of owners; land acquisition limitations; and activities outside of the park," Victor Knox, associate NPS director for park planning, told the House subcommittee on National Parks.

The day before the House hearing the administration effectively endorsed the Senate bill in a Senate subcommittee on National Parks hearing. Herbert Frost, associate NPS director for natural resources, said the administration supports S 3300.

He described the importance of the site(s): "The development of the atomic bomb through the Manhattan Project was one of the most transformative events in our nation's history; it ushered in the atomic age, changed the role of the United States in the world community, and set the Stage for the Cold War. This legislation would enable the National Park Service to work in partnership with Department of Energy to ensure the preservation of key resources associated with the Manhattan Project and to increase public awareness and understanding of this consequential effort."

Both Frost and Knox said operations and maintenance costs would range from \$2.45 million to \$4 million per year and the writing of a management plan would cost \$750,000.

As for new land acquisitions Cox said the price had yet to be determined. "Costs of acquiring lands or interests in land, or developing facilities, would be estimated during the development of the General Management Plan," he said.

The site would focus on three locations where the atomic bomb was devised and built - Los Alamos, N.M.; Oak Ridge, Tenn.; and Hanford, Wash.

Most of the land and buildings would come from existing Department of Energy facilities. But the legislation does authorize the acquisition of private land from willing sellers.

The Park Service has completed a study of the proposed site and recommended its designation.

In July 7, 2011, letters to Congressional leaders the acting assistant secretary of Interior for Fish and Wildlife and Parks Rachel Jacobson said, "The unit would be managed in partnership with the DOE, with the NPS management role aligned with its expertise in the areas of interpretation and education."

She added, "DOE would continue to have full responsibility for operations, maintenance, and preservation of the historic Manhattan Project properties already under its jurisdiction and would maintain full liability for any environmental hazards related to the properties."

Administration defends plan that reduces Hatteras ORVs

The Obama administration June 28 sharply criticized House-passed legislation that would revoke a Cape Hatteras National Seashore plan for managing off-road vehicles (ORVs).

The Park Service defended its plan that would keep 28 miles of the seashore open to ORV use but designate 26 miles of vehicle-free areas. NPS said the plan was balanced.

"We strongly believe that the final ORV management plan and special regulation will accomplish these objectives far better than the defunct Interim Strategy," Herbert Frost, associate NPS director for natural resource stewardship, told the Senate subcommittee on National Parks.

The Park Service issued its new plan in January to replace a Bush administration interim strategy that allowed more ORV use.

Warren Judge of the Manteo, N.C., Board of Commissioners, said the elimination of 26 miles of ORV access doesn't comply with the law that established the recreation area.

"Without ORV access, the physically disabled, the elderly, and the many who suffer from chronic medical conditions are unable to reach the seashore and enjoy the place that is supported by their tax dollars," he said. "This is inconsistent with the recreational purpose for which (Hatteras Seashore) was originally created."

The Senate bill (S 2372) is sponsored by both North Carolina senators - Richard Burr (R) and Kay Hagan (D) - giving the legislation a punter's chance by itself. Hagan's support is necessary because the Senate Energy Committee seldom acts on legislation without the support of both senators from a state.

"Beach access is critical to the Dare County economy, and that is why I am working with Representative (Walter) Jones (D) and Senator Burr to make sure federal regulations are not overly restrictive for the local community," she said when S 2372 was introduced last year. "The Hatteras community has experienced three summers with many beaches closed, and some local businesses may not survive another. I will continue working with the administration, my colleagues in Congress and all relevant stakeholders to balance appropriate beach access with important environmental protections."

The Burr bill may be alive separately in an omnibus measure later this year because the House passed it in a package of 14 lands bill (HR 2578) June 19. Some of those 14 measures are hotly-contested, such as a measure to require federal land managers to provide access to Border Patrol agents who operate on federal lands near Mexico and Canada, thus waiving a number of environmental laws in the process.

Rep. Walter Jones (R-N.C.), the sponsor of a House bill (HR 4094) to reverse NPS's Cape Hatteras plan, argues that a new Park Service plan overly

restricts access to the seashore for ORVs.

"In addition to adequately protecting wildlife, this bill would give taxpayers more reasonable access to the land they own," Jones said on the House floor. "It would reopen 26 miles of beach that are now permanently closed to motorized beach access and give seashore managers flexibility to implement more balanced measures that maximize both recreational access and species protection."

But, said Rep. Mike Quigley (D-Ill.), "(T)his bill would disrupt your vacation in Cape Hatteras by lifting necessary current restrictions regarding the use of off-road vehicles."

Quigley was backed by the National Parks Conservation Association. It said in a statement, "This legislation undermines the National Park Service's carefully drafted plan that protects families visiting the beaches and nesting shorebirds and turtles while still allowing vehicles on many beaches."

The Park Service January 23 issued a final rule governing ORV use in the seashore after four years of controversy over a Bush administration strategy of June 2007 and subsequent litigation.

In addition to Rep. Jones's bill ORV users filed a lawsuit February 9 against the Park Service plan. However, the plaintiffs may face an uphill battle because the judge assigned the case, Emmet G. Sullivan in Washington, D.C., has ruled against powered recreation uses in national parks in other cases. For instance, Sullivan twice blocked Bush administration rules authorizing significant snowmobile use in Yellowstone National Park.

Appropriators vote to deny money for Obama Ocean policy

The House Appropriations Committee June 27 voted by a 27-to-20 margin to leave in a fiscal year 2013 appropriations bill a provision that would block implementation of a

National Ocean Policy. The provision is included in a fiscal 2013 spending bill for the Interior Department and Related Agencies.

The committee rejected an amendment from Rep. Norman Dicks (D-Wash.) that would strike the provision from the bill and allow the administration to implement its new policy. Dicks said, "The National Ocean Policy would help up assure we plan nationally ocean uses. In addition it would help balance the many ocean uses."

But Rep. Mike Simpson (R-Idaho), principal author of the Interior and Related Agencies spending bill before the committee, said the measure would only cut off \$2 million. Simpson said he included the provision in the bill at the behest of House Natural Resources Committee Chairman Doc Hastings (R-Wash.) And Hastings had written the appropriations committee because he said he fears the administration would pull money from other appropriated accounts to implement the policy.

Said Hastings in an April 2 letter, "Under the draft implementation Plan, there are 59 'milestones' for agencies to accomplish in 2012, and 92 'milestones' for agencies to accomplish in 2013. And yet, to my knowledge, no federal agency has requested any funding for the implementation of these actions, outcomes, and milestones."

At issue in the administration's National Ocean Policy is a concept named Marine Spatial Planning. It was included in the draft implementation plan that was published in January. Hastings and other Republicans charge that it constitutes "ocean zoning."

An administration task force report backing the policy says recreation is a central part of spatial planning which "identifies areas most suitable for various types or classes of activities in order to reduce conflicts among uses, reduce environmental impacts, facilitate compatible uses, and preserve critical ecosystem services to meet economic, environmental, security, and social objectives."

The Obama administration formally proposed implementation of the national policy January 12 that is designed to coordinate management of the nation's oceans, coasts, and Great Lakes. The administration said it intends to publish a final implementation plan this spring.

Republican critics contend the plan constitutes top-down federal interference with the management of recreation on the nation's oceans and coasts.

In its defense the White House says the National Ocean Policy action plan, www.whitehouse.gov/oceans, will require agencies to cooperate and issue permits more quickly and more efficiently.

But the House committee Republicans and elements of the sport fishing industry have complained that the administration's policy would lead to cumbersome new regulations that will restrict access to the ocean for fishing.

Capt. Robert F. Zales, II, president of the National Association Of Charterboat Operators, said, said at a House subcommittee hearing March 22, "The (policy) process has the potential and is likely to create new and expanded regulatory requirements in addition to those we have, creating more regulatory burdens and expanding costs to our businesses."

Zales was countered by Terry Gibson, principle of North Swell Media, LLC, who testified, "Unfortunately what you will hear from many of the more vocal voices on the fringe of the fishing community is fear, confusion and an unwillingness to engage in a proactive process. . . The policy gives fishermen an equal, if not greater, voice alongside other ocean industries and users."

Hastings said he was also concerned about the legality of the policy. Witnesses said the President didn't have authority to establish the policy on his own under the Separation of Powers doctrine applied to the U.S. Constitution.

Beach closures in 2011 high, but about the same as 2010

A new report on the health of America's beaches holds that beach closing and advisory days last year were the third highest in the last two decades.

But at the same time the Natural Resources Defense Council (NRDC) said June 27 that water quality at the nation's beaches was pretty much stable.

"This year's report found that water quality at America's beaches remained largely stable, with 8 percent of beachwater samples nationwide violating public health standards in 2011, compared to 8 percent the previous year and 7 percent for the four years prior," said NRDC.

The contaminant in the violations was human or animal waste in two-thirds of the closures.

"Our beaches are plagued by a sobering legacy of water pollution," said NRDC senior attorney Jon Devine. "Luckily, today more than ever, we know that much of this filth is preventable and we can turn the tide against water pollution. By establishing better beachwater quality standards and putting untapped 21st century solutions in place - we can make a day at the beach as carefree as it should be, and safeguard America's vital tourism economies."

To generate its report NRDC reviewed data on beachwater from more than 3,000 testing locations around the country. State and Indian tribes generate the data under the BEACH Act, as in the Beaches Environmental Assessment and Coastal Health Act of Oct. 10, 2000. That law set national standards for monitoring beaches.

As usual Louisiana, with its problems with hurricanes and oil spills, had one of the worst records in the country in 2011 with five of the 15 "repeat offender" beaches identified by NRDC. California, which coincidentally boasts three of the 12 cleanest beaches, provided six segments of two beaches in

the repeat offender category - Avalon Beach in Los Angeles County and Doheny State Beach in Orange County.

Altogether NRDC reported 23,481 days of closures and advisories in 2011. That is actually down from the 24,091 days in 2010. But again the 2010 numbers were distorted by the BP Deepwater Horizon oil spill in the Gulf of Mexico.

NRDC had good things to say about 12 of the nation's 200 popular beaches. It awarded five-star ratings to the following:

California: Newport Beach in Orange County (2 of 3 monitored sections)
Newport Beach - 38th Street
Newport Beach - 52nd/53rd Street

California: Bolsa Chica Beach in Orange County

California: Huntington State Beach in Orange County

Alabama: Gulf Shores Public Beach in Baldwin County

Alabama: Gulf State Park Pavilion in Baldwin County

Delaware: Dewey Beach in Sussex County
Maryland: Ocean City at Beach 6 in Worcester County

Minnesota: Park Point Franklin Park / 13th Street South Beach Park Point in St. Louis County

Minnesota: Lafayette Community Club Beach in St. Louis County

New Hampshire: Hampton Beach State Park in Rockingham County

New Hampshire: Wallis Sands Beach in Rockingham County

Texas: South Padre Island in Cameron County

The full report is at <http://www.nrdc.org/beaches>. NRDC also prepared a separate listing of the 200 most popular beaches in the country at <http://www.nrdc.org/water/oceans/ttw/200beaches.asp>.

Notes

Great Outdoors action asked.

The human-powered recreation industry celebrated Great Outdoors Month in June by asking Congress to move dozens of stalled conservation bills. In a letter

to Senate Majority Leader Harry Reid (D-Nev.) and House Speaker John Boehner (R-Ohio), 40 retailers, manufacturers and outfitters called for the enactment of legislation to designate wilderness, national parks, national monuments and wild and scenic rivers. The Great Outdoors Month was June. "Simple, healthy outdoor activities such as hiking, paddling, skiing, camping and wildlife viewing generate enormous economic power. Protected public lands are the infrastructure for this economic engine, and we urge you to move decisively to pass stalled conservation bills," said The Conservation Alliance, a business group. The alliance didn't identify the bills but said they enjoy bipartisan support and would affect land in California, Oregon, Idaho, Nevada, Washington, Colorado, Utah, Montana, New Mexico, Maine, Michigan, and Tennessee.

Leaders praise Great Outdoors.

The powered recreation industry hailed Great Outdoors Month in June by highlighting proclamations from President Obama and 42 governors from both political parties. In acknowledging the importance of outdoor recreation to health the President said, "First Lady Michelle Obama's Let's Move Outside! initiative is encouraging children and families to explore the outdoors and engage in outdoor recreation as part of a healthy, active lifestyle." National recreation organizations requested the proclamations. The organizations sponsored these events: National Trails Day®, National Fishing and Boating Week, the Great American Backyard Campout, Welcome to the Water on National Marina Day, Great Outdoors Week, and National Get Outdoors Day. Copies of the proclamations can be viewed and downloaded at www.funoutdoors.com.

Reid backs Tule Springs bill.

Senate Majority Leader Harry Reid (D-Nev.) introduced hydra-headed legislation (S 3346) June 27 that would, first and foremost, designate a Tule Springs Fossil Beds National Monument in southern Nevada. The monument would be managed by the Park Service on public lands to be transferred by the Bureau of Land Management. The bill would also authorize the sale of

public lands in the Las Vegas Valley, opening the way for two, 640-acre job creation zones. It would convey 1,200 acres of Clark County for an off-highway vehicle recreation parks. And it would authorize a transmission line corridor across the monument. The 23,000-acre Tule Springs monument would contain the largest group of Ice Age fossils in the Southwest. The bill, cosponsored by Sen. Dean Heller (R-Nev.), does authorize the acquisition of land in or near the monument with appropriations. Rep. Shelley Berkley (D-Nev.) introduced a House bill (HR 6072) June 29. The National Parks Conservation Association (NPCA) endorsed the legislation, but said it was disappointed by the transmission line corridor.

Conservatives hit haze rule.

While *conservationists* have made the most noise on the issue of haze over national parks, *conservatives* weighed in last week to object to EPA's haze policies. In a hearing of the House subcommittee on Technology, Competitive Enterprise Institute assistant director William Yeatmen blasted EPA for requiring states to clean up haze against the states' wishes. "The legal and regulatory history is clear: the Congress intended for the States to take the lead on Regional Haze policy," he said. "President Obama's EPA, however, is using so-called 'sue and settle' consent decrees – among other regulatory machinations – to trump states' rightful authority and impose billions of dollars in unjustified costs." He said EPA's implementation plans would cost Oklahoma, New Mexico and North Dakota \$400 million more than the states planned. Environmental groups have been suing EPA since 2009 for not forcing states to clean up regional haze. The environmentalists are asking EPA to comply with deadlines in the Clean Air Act for eliminating haze over Class 1 areas – national parks and large wildernesses. To settle the lawsuits EPA has agreed to various deadlines for states to act. If states don't produce plans, EPA will write federal plans.

Rainier ranger remembered. Mount Rainier National Park climbing ranger Nick Hall died June 22 in a rescue attempt on the mountain. Hall was 33

years old. Said NPS Director Jonathan B. Jarvis, "Nick Hall died while he carried out a climbing ranger's greatest responsibility - saving lives. That fact will give us comfort in the future, but not now." Hall served as a climbing ranger for four years.

Feds struggle with fires. It's little consolation to people who live near wildfires but the number of conflagrations and burned acres this year continue to trail both last year and the ten-year average. As of mid-week the nation had in 2012 been hit by 29,000 fires on 2.3 million acres. Last year at this time it was 37,500 fires on almost 5 million acres. The ten-year average is 40,000 fires and more than 2.5 million acres. Again, that doesn't help residents in and near the Pike and San Isabel National Forests in Colorado where the Waldo Canyon fire has torched dozens of homes. Meanwhile, the National Interagency Fire Center said fire action appears to be shifting away from Arizona, New Mexico and Colorado and into the Great Basin. At risk are Utah, Wyoming and southern Idaho.

Feds struggle with fire tankers. The Obama administration continues to run into setbacks as it attempts to keep ancient air tankers on duty in fighting western fires. The latest mishap saw an Air Force C-130 crash July 1 while fighting a White Draw Fire in South Dakota. Four Air National Guard crewmen were killed. The feds immediately grounded the tankers, but as of July 3 the C-130s were back at work. The federal agencies - the Forest Service, the Department of Interior, the Department of Defense and the Federal Emergency Management Agency - say they now have 21 large air tankers at their disposal to fight large fires in the West. The Air Force provides the C-130 aircraft and the Forest Service insert fire retardant delivery systems into the planes.

NPS cites top employees. In the most recent round of Park Service employee awards the agency honored Jan Balsom, deputy chief for science and resource management at Grand Canyon National Park, with the director's award for natural resource management. Balsom

has been in the line of fire as the park has fought headline battles over nearby uranium mining and air tours over the park. Altogether seven employees received the Director's Award. NPS Director Jon Jarvis says the awards are particularly significant because nominations are made by NPS employees.

Conference Calendar

JULY

11-13. **The International Convention of Allied Sportfishing Trades** in Orlando. Contact: American Sportfishing Association, 225 Reinekers Lane, Suite 420, Alexandria, VA 22314. (703) 519-9691. <http://www.asafishing.org>.

13-17. **National Association of Counties** annual conference in Pittsburg, Pa. 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>.

AUGUST

2-5. **Outdoor Retailer Summer Market** in Salt Lake City. Contact: Outdoor Industry Association, 4909 Pearl East Circle, Suite 200, Boulder, CO 80301. (303) 444-3353. <http://www.outdoorindustry.org>.

19-23. **American Fisheries Society** annual meeting in Minneapolis. Contact: American Fisheries Society, 5410 Grosvenor Lane, Suite 110, Bethesda, MD 20814-2199. (301) 897-8616. <http://www.fisheries.org>.

SEPTEMBER

4-7. **National Association of State Park Directors** annual meeting in Lexington Ky. Contact: Philip K. McKnelly, NASPD Executive Director, 8829 Woodyhill Road Raleigh, NC 27613. (919) 676-8365. <http://www.naspd.org>.

10-13. **Pro Walk/Pro Bike** conference in Long Beach, Calif. Contract: The National Center for Bicycling and Walking, 1612 K Street, N.W., Suite 802, Washington, DC 20006. (202) 223.3621. <http://www.bikewalk.org>.