

# Federal Parks & Recreation

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**Six-month approps deal set; budget 'cliff' looms yet**

House and Senate leaders July 31 agreed to fund federal agencies for the first six months of fiscal year 2013 at roughly fiscal 2012 levels. The agreement would provide significantly more money than the House had earlier called for.

When Congress returns from a five-week summer vacation in September it intends to prorate gross federal spending based on a \$1.047 trillion year-long budget. The CR will include appropriations for all agencies and programs.

House and Senate leaders say they will fill in the text of the CR when Congress returns in September.

Said House Majority Leader John Boehner (R-Ohio) in a statement, "During the August district work period, committee members and their staff (sic) will write legislation that can be passed by the House and Senate in September and sent to President Obama to be signed into law."

That is the good news. The bad news is that a budget "cliff" is still looming on Jan. 2, 2013, when \$1.2 trillion in spending reductions must be imposed. That could blow to smithereens the six-month appropriations agreement announced this week.

The budget cliff cuts would be spread over ten years, beginning in fiscal 2013. However, the game plan calls for the House and Senate to head off those reductions by reaching agreement on overall multi-year spending in a lame-duck session in November and December.

For now appropriators will base

CR numbers on a \$1.047 trillion total cap for fiscal 2013. That is \$19 billion more than a budget of \$1.028 trillion that the House had established this spring.

House appropriators had used the House budget to reduce spending for an Interior and Related Agencies fiscal 2013 bill (HR 6091) by \$1.2 billion. Instead of the \$29.2 billion in fiscal 2012 the appropriators were planning to spend \$28 billion.

The Senate Appropriations Committee has assigned a fiscal 2013 ceiling of \$29.662 billion for its bill. So the new six-month deal will more than likely approach the fiscal 2012 level of \$29.2 billion.

At a press conference Senate Majority Leader Harry Reid reportedly said the CR would be "free of riders." That's significant because the Interior and Related Agencies spending bill (HR 6091) approved by the House Appropriations Committee June 28 is packed with riders.

They include provisions to block an Obama administration wild lands program, to block an administration National Oceans Policy, to block administration wetlands permit guidance and to declare federal public lands open to hunting unless specifically closed.

On the money side HR 6091 would reduce Land and Water Conservation 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 by a big 21 percent (by \$317 million).

The Senate Appropriations Committee has not begun to write a counterpart Interior and Related Agencies bill.

Boehner and Reid said they struck their deal in order to take the fiscal 2013 appropriations bills off the table during the run-up to the November 6 elections.

White House spokesman Jay Carney

in a statement praised the deal. "We are encouraged that both sides have agreed to resolve this issue without delay," he said. "The President has made clear that it is essential that the legislation to fund the government adheres to the funding levels agreed to by both parties last year, and not include ideological or extraneous policy riders."

But not everyone was pleased. Sen. Thad Cochran (R-Miss.) said Congress should have bit the bullet and produced a dozen fiscal 2013 spending bills. "My preference is that we complete our work and make specific spending choices based on the relative merits of government programs," he said. "There is no excuse for the Senate not to be considering the appropriations bills."

The grand budget agreement of last summer (PL 112-25 of Aug. 2, 2011) requires the Office of Management and Budget to begin making \$1.2 trillion in budget cuts on Jan. 2, 2013, if Congress does not head them off. The reductions are to be spread over 10 years and to be shared equally between defense and domestic programs.

Lobbyists have estimated the cuts would lead to an immediate reduction in park and rec spending of at least five percent.

Here's where the three other major outdoor spending bills stand:

**Transportation:** The Senate Appropriations Committee approved a fiscal 2013 transportation money bill (S 2322) April 19 with an appropriation of \$53.4 billion, or almost \$4 billion less than the fiscal 2012 appropriation of \$57.3 billion. The House Appropriations Committee approved its bill June 19 with a spending allocation of \$51.6 billion.

**Energy and Water:** The House approved \$32.1 billion for an Energy and Water spending bill (HR 5325) June 6, or just about the same as the fiscal 2012 appropriation. The \$32.1 billion is \$1.3 billion less than the Senate 302(b) allocation of \$33.4 billion. The Senate Appropriations Committee approved its

version of a bill (S 2465) April 26.

**Agriculture:** The Senate committee approved an agriculture appropriations bill (S 2375) April 26 with a spending cap of \$20.8 billion, or \$1.4 billion more than a House cap of \$19.4 billion. The House Appropriations Committee approved its bill June 19.

As for the Interior bill, as approved by the House Appropriations Committee June 28:

**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.

\* *WILDLAND FIRE FIGHTING:* The committee said it would provide \$3.2 billion for wildfire fighting and prevention, meeting the 10-year average for fire suppression costs. The bill includes for Interior Department fire fighting \$746 million and for an emergency FLAME account \$92 million. For the Forest Service it provides for fire fighting \$2.072 billion and for FLAME \$315 million.

**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.

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## Notice: Publishing Schedule Change

Dear Subscriber:

We are taking a brief break in our publishing schedule during the annual Congressional August recess. The next issue of *Federal Parks & Recreation* will be published on August 24. All offices will be open throughout August. We will resume a regular biweekly publishing schedule in late August.

\* 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 Republicans and Democrats in other bills.

### **Most Calif. parks open, but secret fund scandal racks**

Despite a hornets' nest of scandals and a \$22 million budget shortfall, the California State Parks Department will still be able to keep almost all state park units open through the summer.

The agency had announced earlier this spring plans to close 70 units of the state's 278 parks by July 1. But nonprofit groups and individual contributors have stepped up to offset the budget cuts.

Now the scandal: On July 15 the *Sacramento Bee* reported that California State Parks was sitting on a secret \$54 million stash, even as Gov. Jerry Brown (D-Calif.) was slashing the agency's budget. The revelation prompted decade-long state parks director Ruth Coleman to resign. The California Attorney General and the California Department of Finance are now auditing the stashes.

There may be an upside. A spokesman for the California Natural Resources Agency told *FPR* that some, if not all, of the \$54 million may be used to keep parks rolling. Spokesman Clark Blanchard said that in addition to private and nonprofit contributions to the parks, "We will be working with the legislature to hopefully use the recent unreported excess money found in two separate accounts to mitigate park closures."

The legislature is scheduled to

meet this month and may address the issue. The money can't be spent without the legislature's approval, spokesman Blanchard told us. "All of the recently discovered money is subject to legislative appropriation," he said.

Meantime, Brown has appointed California Natural Resources Agency Undersecretary Janelle Beland as acting interim director of the parks department in the wake of Coleman's resignation and the firing of her deputy.

Chasing the California parks money trail is not easy. Suffice it to say Brown's budget for the current year chopped \$22 million from the parks department budget, forcing the promised 70 closures that have yet to happen.

Blanchard said almost all parks stand a good chance of remaining open, even though some may operate on an abbreviated schedule. "As of today, 45 of the 70 state parks slated for closure have signed partnership agreements that will keep them open," he said. "Another 26 of these parks are in active negotiations in hopes of forming partnerships to keep those parks open. Four parks are not in any active talks at this time."

Blanchard said the governor was trying to keep all parks open. "The governor's recently signed budget provided money to keep open all of the parks (except Providence Mountains SRA which has already been closed) for the near future in order to finalize the park partnerships," he said. And the \$54 million stash may help.

In a separate but related dispute the current year Brown budget diverted \$21 million from a user-paid off-highway vehicle (OHV) trust fund to help keep California state parks open. That's on top of a \$10 million OHV fund reallocation in last year's budget, doubly infuriating OHV users.

Now comes the revelation that the parks department was sitting on \$54 million that was apparently unknown to the rest of the state government and the legislature - \$33.5 million in unspent OHV money and another \$20.4 million in

unspent park operations money.

The State Park and Recreation Fund with the spare \$20,378,000 receives money from fees, rents and other revenues collected by state park units. The money is to be used for management, planning and acquisition of the state park system.

The Off-Highway Vehicle Trust Fund with the spare \$33,492,000 receives money from OHV registration fees, transfer fees and OHV-related penalties. The money is to be used for development and acquisition for OHV areas. This is the fund that the legislature has been tapping to help keep parks running, including parks that do not allow OHVs.

OHV users are fed up with the whole controversy. They said they knew the OHV fund money was not being used. Brian Hawthorne, public lands policy director for the BlueRibbon Coalition, for one takes issue with the idea that the off-highway money was "sitting" there, unknown to the world.

"CalParks has been trying to use those funds to develop OHV parks but have been blocked by the politically powerful conservation lobby at every turn," he said. "Very frustrating."

California Natural Resources Agency Secretary John Laird said at a July 20 press conference that none of the \$54 million has been spent, just that it was kept secret. Again, he said the legislature must act first to spend money out of the park and recreation fund and the OHV fund.

Former parks director Coleman said she was not aware of the hidden money. "While I was unaware of the excessive balance in the State Park and Recreation Fund, I must accept full responsibility as a Director of a department for the veracity of budget documents issued by the department," she said on resigning July 19.

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 in June 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.

Almost 70 million people visit the state's parks annually, and they generate an annual economic benefit of more than \$6 billion statewide.

The nonprofit California State Parks Foundation and many other groups and citizens stepped into the budget breach this spring and rounded up money to keep all park units running. But people like Elizabeth Goldstein, president of the foundation, said they felt betrayed by the revelations of secret funds.

"As a long-standing partner to the parks system, CSPF is shocked at the revelation that funds that could have been used to help a parks system in crisis were not being used to do so," Goldstein said. "We are especially frustrated that this occurred at the same time CSPF and the parks community has been working diligently and against tremendous odds to help temporarily keep threatened parks open."

In addition the state has had to defer \$1.2 billion in park maintenance. Secretary Laird apologized for hitting up parks partners to keep parks going and for the maintenance backlog. "(T)his is deeply disappointing because we just went to many partners around the state to get them to step up and cover the shortfall," he said. "And I'm truly sorry about that, the issue is there is a deferred maintenance budget that is \$1.2 billion."

### **FS rec users not sympathetic to industry/USDA program**

A recreation industry proposal to modernize and upgrade national forest recreation sites, particularly campgrounds and marinas, is not going over well with a group that represents

campers and other rec visitors.

Bottom line, the critics say the proposal will heighten the influence of concessioners in the national forests, and that the public opposes such influence.

Said Kitty Benzar, president of the Western Slope No-Fee Coalition, "This initiative would take the forests in the exactly wrong direction. Since the FS has authority to retain campground revenue and use it for operational expenses, the whole rationale for concessionaire management no longer makes sense. They should be phasing them out, not giving them even more power."

Benzar objected in particular to (1) the proposal being developed in private, (2) a recommendation to store rec equipment on national forest land and in marinas and (3) a recommendation to ease the transfer of permits to operate in the national forests.

Derrick Crandall, a lead negotiator for the rec industry and president of the American Recreation Coalition, said that Benzar misreads the intentions of his team. That is, their goal is to use partnerships to help the Forest Service in tough budget times.

Besides, he said, private concessioners may not be doing so badly. "The truth is that camping at private campgrounds is up and at Forest Service sites is down," he said. "You can draw your own conclusions."

The Agriculture Department and the recreation industry at a July 17 meeting refined an ambitious joint effort to modernize and upgrade national forest recreation sites, particularly campgrounds and marinas.

In a half-day meeting, the two sides agreed to take three immediate steps toward developing partnership pilot projects. By September 1 they hope to agree on potential pilot projects.

A summary of the meeting obtained by *FPR* says a second step consists of

the identification of Forest Service policies and laws to determine what new laws and rules may be required. Finally, the two sides will assess the financial feasibility for private investments in national forest recreation sites.

Here are the eight industry recommendations discussed with the Department of Agriculture and the Forest Service:

1. Campground "makeovers" and service expansion
2. Marina "makeovers" and service expansion
3. In-season RV storage on national forests (generally opposed by the FS in the July 17 meeting)
4. In-season boat storage on national forests
5. In-season OHV storage on national forests
6. Partnerships with key destination marketing organizations on outreach, in-forest services including apps and more
7. Expansion of use of conservation corps by FS, partners
8. National Forest Recreation Centers: consolidation and expansion of recreation at key recreation "gateways" to national forests

Benzar offered these objections, with Crandall's responses:

**Private negotiations:** Said Benzar, "In talking to my various colleagues as the word of Derrick's initiative starts to spread, there is a lot of anger that the group that's coming up with this plan does not include any credible representation from the public. It's all being done behind closed doors."

But Crandall denied the privacy charge. "It's absolutely not true," he said. "We welcome everyone's input into the initiative, as does the Department of Agriculture. We have done nothing *in camera*."

**Equipment storage:** Said Benzar, "I've spoken to several people with their pulse on the RVing public (as opposed to the RV manufacturers) and they are universally horrified at the

idea of storage yards (RVs, boats, OHVs, etc.) on national forests and turning the traditional basic Forest Service campgrounds into KOA-type RV parks."

Crandall replied, "If it reduces energy consumption, if it reduces air pollution, if it increases transportation safety and if it increases the use of campgrounds without impinging on the uses of other, it is all good. Besides, is already done in several states."

**Permit transfer:** Said Benzar, "The 'transferability' of permits is also deeply concerning. Currently, when a company that holds a concession permit changes hands, the permit is cancelled. The Forest Service can then look into the new owner's finances and capabilities and issue a new permit to them only if they think they are qualified."

She added, "Of course this makes it harder to sell a company, especially when their main business is being a FS concessionaire, but that's appropriate. A permit is permission to do business on federal land and the FS should decide who gets to have one, not the current permit holder."

But Crandall argued that the lack of a transfer provision in a 20-year permit is preventing concessioners from investing in sites. "If you are going to expect investment in such things as bathhouses and water treatment facilities, the investor will not lend money unless there is collateral for the loan (in terms of a guaranteed contract)," he said.

Despite Benzar's criticism the recreation industry and the Department of Agriculture have begun to set deadlines for action. Most immediately they intend to complete work on the three steps mentioned above - identification of potential pilots, identification of Forest Service policies and laws, and financial feasibility.

Seventeen people attended the meeting including American Recreation Coalition President Crandall, Under Secretary of Agriculture Harris Sherman,

Deputy Forest Service Chief Leslie Weldon and representatives of such groups as the American Hiking Society, Kampgrounds of America, Inc., and the Recreation Vehicle Dealers Association.

## **Manhattan Project: Will it go on its own or in an omnibus?**

The Senate Energy Committee has on its list of legislation eligible for mark-up this fall a bill (S 3300) that would establish a Manhattan Project unit in the National Park System. But will the bill be held hostage for - or against - an omnibus lands bill?

For now the Manhattan Project legislation is moving smartly through Congress on its own. The House Natural Resources Committee July 11 approved a House bill (HR 5987) and the Senate committee on July 10 held a laudatory hearing on the measure.

A Senate committee staff member said the panel hopes to hold a multi-bill mark-up in September after the August recess, but not necessarily to address S 3300.

He said, "S 3300, a bipartisan bill, is among the legislation that is eligible for mark-up. But nobody knows yet 1) if we will have a mark-up, and 2) what will be on the agenda."

The Manhattan Project bill enjoys support from both influential Democrats as well as Republicans. Senate Energy Committee Chairman Jeff Bingaman (D-N.M.) sponsored the Senate bill and House Natural Resources Committee Chairman Doc Hastings (R-Wash.) introduced the House bill. Of course one of the three Manhattan sites is in the State of Washington and one is in the State of New Mexico.

Given the bipartisan support for the measure and the House committee approval without objection, the outlook for moving the legislation as a stand-alone bill is good.

But all it takes is one objection/hold from one senator to freeze the legislation. And there are possible

negatives, such as costs. The Park Service said operations and maintenance would run from \$2.45 million to \$4 million per year and the writing of a management plan would cost \$750,000.

In addition land acquisition is an unknown. The Park Service testified at House and Senate hearings that recommended purchases won't be identified until a general management plan is written.

The Obama administration objects to three provisions in the House bill that would (1) not allow land acquisition, (2) would forbid the use of condemnation to obtain land, (3) would bar federal agencies from establishing a "buffer zone" around the park properties. The Senate bill contains none of those provisions.

If the Manhattan Project bill doesn't move on its own, the chances of an omnibus lands bill picking it up after the November 6 elections are not good. Hastings has consistently said he opposes omnibus lands legislation.

And major House bills that could pull the train - such as a hunting access bill - are loaded with provisions that are anathema to environmentalists, such as a requirement for state approval of the designation of a national monument by a President.

The Manhattan Project 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 Senate bill does authorize the acquisition of private land from willing sellers.

The Park Service, which would operate the site(s) jointly with the Department of Energy, has completed a study of the Manhattan Project and recommended its designation.

Here are a few key bills among the several dozens that might be candidates for an omnibus bill - and might make political trouble for an omnibus:

**\* HUNTING:** The House approved this bill (HR 4089) April 17 that would declare federal public lands open to hunting and fishing unless specifically closed. The vote was a strong 274-to-146.

More controversial are provisions that would declare hunting and fishing as "necessary" for the management of wilderness and potential wilderness areas and thus shield consumptive activities in those areas from environmentalist lawsuits; open national monuments to recreational shooting; authorize the import of dead polar bears; exempt hunting and fishing gear from the Toxic Substances Control Act; and, of course, require state approval of national monuments designated by a President.

**\* BORDER PATROL:** The House approved hotly-contested legislation June 19 that would require federal land managers to cooperate with Border Patrol agents who operate on federal lands near Mexico and Canada. The vote was 232-to-188. The legislation was attached to a multi-part bill (HR 2578) that addresses such controversies as grazing rights on the public lands.

The border patrol provision would waive some dozen laws, if the Department of Homeland Security sought access to the border for security purposes. The laws include the Wilderness Act, the Endangered Species Act, the National Historic Preservation Act, the National Environmental Policy Act, the National Park Service Organic Act, the Wild and Scenic Rivers Act, and more.

**\* CAPE HATTERAS:** The House approved this legislation as part of a small omnibus lands bill (HR 2578 above) that would reverse a Park Service Cape Hatteras National Seashore off-road vehicle (ORV) plan. 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. The legislation would restore the Bush strategy.

The January NPS rule would keep 28 miles of the seashore open to ORV use



but designate 26 miles of vehicle-free areas.

## **Farm bill extension would borrow from conservation**

The House and Senate at press time were fighting to the last second over an extension of a farm bill before leaving for an August vacation. The legislation has major conservation implications.

House Republican leaders were pushing for a one-year extension (HR 6228, HR 6233) that focuses on disaster relief because of the drought. To help pay for that relief the Republicans were recommending reductions in conservation spending over the next year.

But Senate Democrats were pushing back and demanding that Congress complete a full, five-year farm bill, now. The Senate approved such a bill (S 3240) June 21 and the House Agriculture Committee passed its own multi-year bill (HR 6083) July 12.

Congress is up against a September 30 deadline when an existing farm bill is scheduled to expire. With Congress on August vacation for five weeks it will take a miracle to write a new, multi-year law in September: So more extensions - whether for days, weeks, months or a year - are likely.

Conservationists oppose the one-year extension proposed by House Republicans because of the conservation program reductions. "The reductions are not in line with what the full farm bill would do," said Steve Kline, director of the Theodore Roosevelt Conservation Partnership (TRCP) Center for Agricultural and Private Lands, "Aside from the obvious funding, an extension puts us into a new budget year and conservation would have to be reduced again."

Among the conservation programs that are in line for reduction in the House extension bill are the Environmental Quality Incentives Program and a Conservation Stewardship Program. An Open Fields program would be spared.

Although the House Agriculture Committee approved its bill by a rousing 35-to-11 margin, Republican leaders may not be able to secure House passage of a five-year bill. Some Republicans are rebelling at the cost of the measure and some Democrats are rebelling because it doesn't cost enough.

Senate Agriculture Committee Chair Debbie Stabenow (D-Mich.) argued on the Senate floor against a one-year extension and for a fleshed-out, five-year bill. "They want to extend the farm bill for another year, with no deficit reduction, no reform, no certainty for farmers, and with policies extended another year that don't work for a lot of industries and then just do some disaster assistance," she said. "I think that would be a disaster."

A coalition of conservation groups protested in a letter to Speaker of the House John Boehner (R-Ohio) July 30, "Of course we understand the need to respond to the drought and to the challenges and hardships it poses to farm families, but it makes little sense to pay for the emergency program almost entirely with cuts to the Conservation Title which represents a small proportion of the overall bill. In fact, it is the Conservation Title Programs that conserve soil and water to make farms and ranches more resilient to the impacts of droughts."

As for the multi-year bills, overall the House bill would reduce farm spending by \$35 billion over the next 10 years, or \$12 million more than the \$23 billion the Senate would cut out. The Obama administration has endorsed the Senate bill.

Conservationists generally praised the House measure, despite the spending reductions. "Overall, the House Agriculture Committee-reported Farm Bill is not only good for working farmers and ranchers by helping them stay on their land," said Dan Wrinn, director of public policy for Ducks Unlimited. "It also provides solid and significant programs and measures necessary to conserve waterfowl and other wildlife habitats - and continues to ensure our

nation's rich hunting heritage, which benefits rural economies."

Secretary of Agriculture Tom Vilsack sharply criticized the House bill. "These cuts wouldn't just leave Americans hungry - they would stunt economic growth," he said. "The bill also makes misguided reductions to critical energy and conservation program efforts."

Here's some of what the Senate-passed and House committee-passed bills would do:

**Open Fields:** In the Senate bill Section 2503 is formally titled the Voluntary Public Access and Habitat Incentive Program. The bill would extend the program for five fiscal years beginning with fiscal 2013 and provide \$40 million total over the five years.

The money would be used to continue an existing program that has passed \$50 million in grants through states to encourage private landowners to welcome outdoor recreationists on their lands.

The House committee bill in Section 2503 would also extend the program for five years and provide \$30 million over that time. The House committee also asks for a status report within two years.

The House extension bill would provide \$50 million over three years.

Among other things under the program the states provide rental payments to landowners as an incentive to open their lands to hunters, fishermen and other recreationists. The Farm Service Agency administers the program.

**Conservation Reserve Program:** The Senate and the House committee both extended this program that pays farmers not to cultivate marginal land. Farmers have enlisted millions of acres in the program through contracts that last from 10 to 15 years.

Both the Senate and the House would reduce the number of acres allowable in the program to 25 million,

thus saving \$3 billion over 10 years. The cap now is 32 million acres.

**Rejected Senate amendments:** During its reconsideration of S 3240 Senate Agriculture Committee leaders refused to take up more than 200 amendments on the Senate floor including an outdoor-related amendment that would have added a stand-alone national forest recreation residence bill (S 1906) to the Farm Bill. The amendment would have established nine tiers of fees beginning at \$500 per year and increasing by \$500 increments to a top fee of \$4,500.

Senate leaders also refused to consider an amendment that would have forbidden the administration from issuing a new wetlands policy that would have require Section 404 permits for non-navigable waters.

## **Transit in the Parks shut out in transportation bill**

After supporting a Transit in the Parks programs for seven years to the tune of \$165 million, Congress put up no money for the program in a two-year surface transportation law (PL 112-141 of July 6).

The program still has \$13.5 million left in the pot for this fiscal year (2012), but for fiscal 2013, beginning October 1, the spigot is off.

The Transit in the Parks (TRIP) program actually also applies to four other federal land management agencies, not just to the Park Service. The money was (is) applied to alternative transportation projects, such as rail, bus and nonmotorized systems (pedestrians, bicycles and watercraft).

Eligible agencies include the Forest Service, the Fish and Wildlife Service, the Bureau of Reclamation and the Bureau of Land Management, as well as the Park Service.

Program supporters have not given up on mass transit in the parks. Laura Loomis, senior director of government affairs for the National Parks Conservation Association (NPCA), said,

"This (transportation bill) is only a two-year authorization. We'll try to bring TRIP back because it provides dedicated money."

That Congress shut off money for the program doesn't mean that the Park Service and the Federal Highway Administration can't use other revenues for projects, according to a Federal Transit Administration official on background.

The official said that alternative transportation systems like, for example Acadia National Park's bus system, are often financed through a combination of sources, such as funds from local and state governments, the National Park Service, nonprofits and other sponsors. Thus mass transit in the parks is not solely dependent upon TRIP.

Agreed Loomis from NPCA, "As a stand-alone pot of money that alternative (TRIP) is no longer there. Park facilities will have to compensate with other money."

Those sources include a Federal Lands Access program and a Federal Lands Transportation program that were included in the transportation bill enacted last month that is known as MAP-21. In addition park operational money is available from an annual appropriations bill.

Finally, the Federal Transit Administration has yet to allocate \$13.5 million in fiscal 2012 grants.

For Park Service operations in fiscal 2012 Congress provided \$2.240 billion. For federal lands roads the new surface transportation law guarantees \$250 million per year each in fiscal 2012 and 2013.

The Alternative Transportation in Parks and Public Lands Program was established in 2005 by the Safe, Accountable, Flexible, Efficient Transportation Equity Act to help relieve crowding in national parks and other federal sites. The goal was (is) to reduce automobile traffic and make visits more enjoyable.

The first TRIP appropriation in fiscal 2006 was \$22 million. The allocation increased to \$27 million in fiscal 2009 and dropped to \$13.5 million in fiscal 2012.

In fiscal 2011 some of the largest grants were distributed to: Rocky Mountain National Park for a transportation hub (\$3 million), Arches National Park for an alternative transportation system (\$2.5 million) and the Minnesota Valley National Wildlife Refuge for a bridge (\$2 million).

It is widely assumed that the program died because its principal champion, Sen. Paul Sarbanes (D-Md.), retired in 2006 shortly after SAFETEA was enacted. While Sarbanes's son John now serves in the House of Representatives he is a Democrat in a Republican-controlled body, so wields little influence.

Conservationists had recommended that Congress increase the Transit in the Parks Program to at least \$100 million per year when it wrote MAP-21. Of that NPCA would have "guaranteed" 60 percent for the National Park System. The Forest Service, the Fish and Wildlife Service, the Bureau of Reclamation and the Bureau of Land Management would have shared the rest.

## **Dems ask NPS expansion studies, but not Republicans**

Sixteen Democratic House members - and no Republicans - introduced legislation (HR 6175) July 25 that would authorize studies of 15 locations as possible additions to the National Park System.

The studies would evaluate possible new park units as well as expansion of existing ones. The sites range from the World War II Peleliu Battlefield in the Pacific Ocean to expansion of the Chattahoochee River National Recreation Area in Georgia.

Such studies usually constitute the first step in the addition of land to the National Park System. After the

studies are completed Congress of course must approve the designations. And very often does.

That could pose a problem for House Republicans who are attempting to reduce federal land ownership, not expand it.

A spokeswoman for House Natural Resources Committee Chairman Doc Hastings (R-Wash.) said nothing has been scheduled on the bill. "It is yet to be determined whether or not we will hold a hearing on this bill," she said.

But the lead sponsor of the House bill, Rep. Dale Kildee (R-Mich.), said the legislation would serve a good purpose. "During my 36 years in Congress I have worked tirelessly to enhance and defend the natural resources of this country," he said. "Protecting special places for future generations is something that all lawmakers should be able to agree on and I look forward to working with my colleagues on this legislation." Kildee is the senior member of the Hastings committee.

In a press release Kildee's office said the legislation has an economic benefit. "The possible addition of these study areas would provide new recreational and educational experiences for the millions of annual visitors to the National Park System, contribute to a boost in tourism and benefit local communities and their economies," it said.

In addition to Peleliu and Chattahoochee the study areas include: Kau Coast in Hawaii, Rota in the Northern Mariana Islands, Aleut Relocation sites in Alaska, Japanese American Relocation Camps (several), American Latino Heritage sites in Colorado, Goldfield mining community in Nevada, Hudson River Valley in New York, Norman Studios in Florida, Mobile-Tensaw River Delta in Alabama, Galveston Bay in Texas, Vermejo Park Ranch in New Mexico and Colorado, Buffalo Soldiers commemoration in California, and Reconstruction of the South.

Sen. Jeff Bingaman (D-N.M.) introduced a Senate version of the

legislation (S 3399) July 18 at the request of the administration.

The House bill was introduced by Reps. Raúl Grijalva (D-Ariz.), Edward Markey (D-Mass.), Maurice Hinchey (D-N.Y.), Gregorio Kilili Camacho Sablan (D-CNMI), Paul Tonko (D-N.Y.), Madeleine Bordallo (D-Guam), Laura Richardson (D-Calif.), John Conyers, Jr. (D-Mich.), David Scott (D-Ga.), Eleanor Holmes Norton (D-D.C.), Ben Ray Lujan (D-N.M.), Donna Edwards (D-Md.), Carolyn McCarthy (D-N.Y.), Ron Kind (D-Wis.), and Mazie Hirono (D-Hawaii).

### **Final federal lands solar EIS makes NPCA apprehensive**

The Obama administration published a final EIS on solar development in the Southwest July 27 that largely, but not entirely, avoids units of the National Park System.

Led by the Bureau of Land Management (BLM), agencies that oversee solar development on federal lands identified 285,000 acres of "solar energy zones" where solar production companies will be encouraged to locate.

At the same time the agencies anticipate some development in "variance zones" that would be designated by BLM managers from an additional 19 million acres of public lands in Arizona, California and Colorado.

And those variance zones worry the National Parks Conservation Association (NPCA). "We encourage the administration to further refine their improved preferred alternative, to further remove sensitive variance lands from the 19 million acres currently proposed, including those surrounding Death Valley National Park, Joshua Tree National Park, and Mojave National Preserve," said David Lamfrom, California Desert Senior Program Manager for NPCA.

The issuance of the final solar EIS is not the last step in completing a new policy. Secretary of Interior Ken Salazar said he would post a final record of decision soon based on the EIS.

A coalition of sportsmen called the Theodore Roosevelt Conservation Partnership (TRCP) praised the action by BLM for avoiding prime hunting and fishing grounds.

"This is a huge step forward for (BLM), which has tended to address energy development on a project-by-project basis in response to the wants of individual companies rather than the values of the American public or the needs of fish and wildlife," said Kate Zimmerman, the National Wildlife Federation's policy director for public lands. The federation is part of the TRCP group.

The 285,000 acres of solar energy zones is down from a previous recommended level of 677,000 acres of solar zones.

The completion of the EIS should open the way for BLM to begin considering more than 100 solar applications that have built up over the last few years. The agency has been approving individual applications that were submitted before the EIS was begun in July 2009.

The final EIS identifies 17 solar energy zones in the States of Arizona, California, Colorado, Nevada, New Mexico and Utah. It also identifies the 19 million acres of variance zones.

Salazar said the completion of the EIS is a major step toward the development of solar energy around the country. "This is a key milestone in building a sustainable foundation for utility-scale solar energy development and conservation on public lands over the next two decades," he said.

The department said the completion of the EIS will help expedite individual projects because solar zones are close to existing transmission lines, because few conflicts with other uses exist within solar zones and because the environmental study that went into the EIS will expedite permitting.

The solar EIS has been in the pipeline for several years. It was delayed on Oct. 28, 2011, when BLM

proposed a supplement to a draft EIS to reduce high priority zones in the West from 677,000 acres to the 285,000 acres.

The new system would mark a major step in the implementation of a Congressional mandate to vastly expand renewable energy development on public lands. That mandate was included in Section 211 of the Energy Policy Act of 2005.

The Interior Department says the EIS anticipates that development in the 17 zones and the variance areas will lead to the development of 23,700 megawatts of electricity. That's enough to provide power to seven million homes.

The publication of the final EIS today kicks off a 30-day protest period. Then the department says Salazar will make a final decision on solar development. The EIS is at <http://solareis.anl.gov/documents/index.cfm>.

## Notes

### **House rejects GOP levees bill.**

The Republican House July 23 voted down legislation that would allow the construction of levees on Corps of Engineers land in North Dakota that is dedicated to open space and recreation. Republican Rep. Rick Berg (N.D.), who is running for Senate this year, supported the bill but enough of his Republican colleagues opposed the measure (S 2039) to defeat it. The vote was 126-to-254. The bill would allow state or local governments to construct flood control levees. Said Berg, "Recurring flooding along the Red River requires temporary levees to go up nearly every year only to be taken down, and what happens, repeatedly, over and over, is a taxpayer waste of money. The solution is to simply permit levee construction on federally purchased property in these areas of North Dakota, with the approval of FEMA and the Corps." But Rep. Russ Carnahan (D-Mo.), whose state is down river from North Dakota, said the levees would simply pass flooding down to the Missouri River and then into states such as his. The Senate approved the bill January 26 without opposition. The Senate bill was sponsored by both

Republican Sen. John Hoeven (N.D.) and Democratic Sen. Kent Conrad (N.D.)

**Rec professionals take new name.**

The National Association of Recreation Resource Planners has renamed itself to reflect an expansion in the association's interests beyond planning. The new name is the Society of Outdoor Recreation Professionals. The group includes recreation officials from the state, local and federal levels. The National Association of Recreation Resource Planners was formed in 1995 to include federal as well as state and local officials. The association's lead focus has been the Land and Water Conservation Fund (LWCF). But last year the association's board began to reconsider the group's name in light of an expanded agenda beyond LWCF and an expanded membership beyond just planners.

**House approves new NPS code.** The House August 1 approved legislation (HR 1950) that would rearrange the federal code of laws governing the Park Service and to put them all in one place in the code. The sponsor of the legislation, Rep. Lamar Smith (R-Texas), said it was strictly a bookkeeping measure. "Codification bills do not make any substantive changes to existing law," he said. Over the years various laws governing the Park Service have made their way into the federal code because they deal with such disparate issue as historic sites, the Antiquities Act, the National Historic Preservation Act and other legislation. The measure was approved without a formal vote.

**NPS gets new security chief.** The Park Service July 25 named Cameron (Cam) Sholly as the associate director for visitor and resource protection. Sholly will oversee 20 programs including law enforcement, security and fire management. Sholly has served the last three years as superintendent of Natchez Trace Parkway in Mississippi. From 2005 to 2009, he served as deputy associate director for visitor and resource protection. Sholly will move to Washington, D.C., in September.

**House approves Pinnacles park.** The House July 31 approved legislation (HR 3641) that would convert a Pinnacles

National Monument into a Pinnacles National Park. The 26,000-acre monument is located in an area of expanding population. Rep. Sam Farr (D-Calif.) introduced the bill. Sen. Barbara Boxer (D-Calif.) introduced a Senate bill (S 161) on Jan. 25, 2011. The legislation has been around for at least two Congresses and is a good candidate for an omnibus lands bill after the November 6 elections. Farr argues that the area in central California is home to many species including the California condor. The Obama administration essentially endorsed the legislation.

**Hastings would limit dam removal.**

House Natural Resources Committee Chairman Doc Hastings (R-Wash.) introduced legislation (HR 6247) August 1 that would require Congressional approval of dam removal. The Obama administration has overseen the removal of several dams around the country, striking agreements with hydropower companies and nonprofit groups. Removal of dams of course benefits recreational fishing. But Hastings worries that dam removal and litigation will reduce the amount of renewable energy. "This bill would officially recognize hydropower as renewable energy and help eliminate government roadblocks and frivolous litigation that stifle development," Hastings said. "Hydropower is an essential part of an all-of-the-above energy plan, and its expansion would create thousands of new American jobs, grow our economy and protect the environment."

**FWS posts late season ducks plan.**

The Fish and Wildlife Service (FWS) July 27 posted proposed duck hunting seasons and bag limits for the coming late waterfowl season. States will choose from the announced frameworks. The seasons and the bag limits are expected to at least match last year as a result of a significant increase in the estimated number of ducks in breeding habitats this spring. FWS says its initial spring Waterfowl Breeding Population and Habitat Survey places the number at 48.6 million, or a big 43 percent above the long-term average. It's also 3 million birds higher than last year. For mallard ducks alone the count is 10.6 million, or a 39

percent increase over the average of 7.6 million. At the same time the FWS report warns that breeding habitat is in decline. FWS said the number of ponds in the north-central United States was 49 percent below last year, 1.7 million compared to 3.2 million. Of course the middle of the country is undergoing a ferocious drought, a bad omen for next year. The FWS announcement is at <http://onlinepressroom.net/fws/>. Scroll down to the July 27 release.

**FS rec data is posted.** The Forest Service last week posted new data on recreation visitation to the national forests. Fair warning, the website, <http://apps.fs.usda.gov/nrm/nvum/results/>, requires a PHD in statistics to figure out. At any rate Secretary of Agriculture Tom Vilsack held a press conference July 26 to announce that the national forests hosted 165.7 million visitors in 2011. It is difficult to determine from the Forest Service website whether that is good news or bad. The Park Service visitation website, by contrast, is straightforward. It is at: <http://nature.nps.gov/stats/park.cfm>.

## Conference Calendar

### AUGUST

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>.

28-Oct. 1. **American Society of Landscape Architects** annual meeting in Phoenix. Contact: American Society of Landscape Architects, 636 Eye St., N.W., Washington, D.C. 20001-3736. (202) 898-2444. <http://www.asla.org/annualmeetingandexpo.aspx>

### OCTOBER

2. **Watchable Wildlife** annual conference in Colorado Springs, Colo. Contact: Watchable Wildlife, Inc., PO Box 319, Marine on St. Croix, MN 55047. 651-433-4100. <http://www.watchablewildlife.org>.

3-5. **Outdoor Industry Association Rendezvous** in Boston, Mass. Contact: Outdoor Industry Association, 4909 Pearl East Circle, Suite 200, Boulder, CO 80301. (303) 444-3353. <http://www.outdoorindustry.org>.

9-11. **Sportfishing Summit** in Hilton Head, S.C.. Contact: American Sportfishing Association, 225 Reinekers Lane, Suite 420, Alexandria, VA 22314. (703) 519-9691. <http://www.asafishing.org>.

13-16. **The Wildlife Society** annual meeting in Snowbird, Utah. Contact: The Wildlife Society, 5410 Grosvenor Lane, Bethesda, MD 20814-2197. (301) 897-9770. <http://www.wildlife.org>.

16-18. **National Recreation and Park Association** congress and exposition in Anaheim, Calif. Contact: National Recreation and Park Association, 22377 Belmont Ridge Road, Ashburn, VA 20148. (703) 858-2158. <http://www.nrpa.org>.

31-Nov. 3. The **National Trust for Historic Preservation** annual conference in Spokane, Wash. Contact: National Trust for Historic Preservation, 1785 Massachusetts Ave., N.W., Washington, DC 20036. (202) 588-6100. <http://www.nationaltrust.org>.