

Federal Parks & Recreation

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Omnibus six-month CR sails through House; Senate delay

The Senate at press time was unable to schedule a final vote on a pared-down appropriations bill for the first six months of fiscal year 2013. The measure would provide a slightly higher spending level than the House had advocated this spring.

The Senate delay was caused by disagreements over foreign aide, but a final vote is imminent.

The House had approved the continuing resolution (CR) September 13 by a vote of 329-to-21. The Obama administration has endorsed the measure so a Presidential signature is likely, if the Senate goes along.

Park and rec allocations that are included in the mammoth continuing CR (HJ Res 117) would keep all programs in money through March 27, 2012.

Total spending for all agencies is pegged to a budget agreement of last summer (PL 112-25 of Aug. 2, 2011) that would provide more money than the House made available this spring in its budget. The CR is based on full-year spending of \$1.047 trillion, or \$19 billion more than a budget (H Con Res 34) the House approved April 15 of \$1.028 trillion.

Senate Environment and Public Works Committee Chair Barbara Boxer (D-Calif.) complained the CR would not provide full funding for a new surface transportation law enacted in July called MAP-21. Boxer, a principal architect of MAP-21, said the CR does not include cost-of-living increases required by the law.

"MAP-21, the bipartisan

legislation which passed the House of Representatives with an overwhelming vote of 373-52, maintained current funding levels for the remainder of fiscal year 2012 and included an inflationary adjustment for fiscal years 2013 and 2014," she said in a letter to House Majority Leader John Boehner (R-Ohio) just before the House vote. "This increase in funding would simply account for inflation in accordance with the Congressional Budget Office baseline."

But she isn't trying to block the legislation in the Senate. She said she would resume her fight after the November 6 elections when Congress considers spending for the last six months of fiscal 2013.

The new CR was prepared at the direction of Boehner and Senate Majority Leader Harry Reid (D-Nev.) It would keep all federal agencies in money through March 27.

Even with the final deal on HJ Res 117, looming in the background is a budget "cliff." Per the budget agreement of last summer Congress must come up with spending reductions of \$1.2 trillion (spread over 10 years) by Jan. 2, 2013. Failure to meet that deadline could blow up the six-month appropriations agreement the House and Senate approved. (See following article.)

HJ Res 117, with one exception - fire-fighting money, would provide no direction to individual programs. It would simply extend fiscal 2012 spending for six months, and add .6 percent to that to meet the \$1.047 trillion cap.

House Appropriations Committee Chairman Hal Rogers (R-Ky.) emphasized the goals of the slender, 29-page CR. "This legislation is very limited in scope," he said. "Funding levels have been held at rates essentially consistent with the current fiscal year."

Ranking committee Democrat Norm Dicks (D-Wash.) noted that HJ Res 117 includes no new riders. "As Chairman Rogers said, this is a streamlined CR, free of any new riders and negotiated in

a bipartisan fashion," he said.

As mentioned, HJ Res 117 does contain one major outdoor provision in its 29 pages: It would compensate the Forest Service and the Interior Department with \$423 million for fire-fighting costs. The money is being borrowed right now from fiscal 2012 programs to finance fire fighting.

The \$400 million for the Forest Service and \$23 million for the Interior Department would be taken out of fiscal 2013 spending to make the payback. (See related article page 10.)

With the November 6 elections driving everything, House and Senate leaders called for the CR to avoid disputes over fiscal 2013 spending. Congress must complete HJ Res 117 by the end of this month before the next fiscal year begins.

In passing the six-month appropriations bill the House and Senate effectively pegged spending for the first six months of fiscal 2013 at fiscal 2012 levels, with a little uptick. So we have prepared the summary below of full-year numbers in fiscal 2012 appropriations bills that will apply to the first half of fiscal 2013. And we have included a summary of proposed spending levels approved by the House Appropriations Committee for the Interior Department and Related Agencies June 28 (HR 6019).

The HR 6019 numbers are in play because Congress must still work out appropriations for the second half of fiscal 2013. Rogers promised to keep working on full-year appropriations. "(M)y committee will stand ready and will stand at the ready to continue the appropriations process," he said. "We intend to use the lame-duck session to the fullest extent. Just because this CR will last until March 27 of next year, we will not rest on our laurels until that time."

When Congress does go to work on the rest of fiscal 2013 spending Sen. Jean Shaheen (D-N.H.) will go to bat for the Land and Water Conservation Fund (LWCF). She is one of 44 senators

sponsoring a letter requesting funding hikes for LWCF in fiscal 2013.

She reinforced her support on the Senate floor September 13. "(LWCF) protects lands, forests, State and local parks, and critical wildlife habitat," she said. "This critical program also helps ensure hunting and fishing access, something also very important to New Hampshire. It supports battlefields, trails, sporting facilities, and outdoor recreation opportunities in every state."

Here are the fiscal 2013 numbers approved by the House Appropriations Committee June 28 for an Interior and Related Agencies bill (HR 6091) compared to the fiscal 2012 appropriations numbers.

The highlighted fiscal 2012 numbers, divided by two, apply roughly to the first half of fiscal 2013, subject to any changes caused by a big budget agreement in December.

* *LWCF ACQUISITION*: For federal acquisition the House committee recommendation 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**.

OMB says fiscal 'cliff' would cut outdoor money by 8.2%

The Office of Management and Budget (OMB) said September 14 that the budget cliff the federal government is scheduled to leap over January 2 would slash most domestic spending by 8.2 percent in fiscal year 2013 alone.

That assumes that the House and Senate will be unable to strike a deal in November and December to head off the January 2 sequestration, as it is called.

OMB said that if sequestration happens, the Park Service would have \$218 million less to spend in fiscal 2013 than in fiscal 2012. Said Tom Kiernan, president of the National Parks Conservation Association (NPCA), "We are deeply concerned that this cut could lead to the closure of more than a hundred parks."

And The Wilderness Society said the cuts could reduce spending for the Land and Water Conservation Fund alone by \$26 million. The Wilderness Society Director of Conservation Funding Alan

Rowsome said the reductions would not only harm conservation, but also the economy.

"The painful irony is that these cuts are supposed to help the economy, but without investing in these programs, we will lose a major economic engine that has withstood the recession," said Rowsome. "Every dollar taken away from conservation hurts that economy."

Coincidentally, OMB issued its 394-page estimate of the impacts of the budget cliff the day after the House approved a six-month, fiscal 2013 spending resolution (HJ Res 117). (See *previous article*.) That bill would provide roughly flat spending for all programs in fiscal 2013 compared to fiscal 2012.

That is, until the budget cliff kicks in. The January 2 across-the-board spending cuts would stem from a big budget agreement of Aug. 2, 2011, called formally the Sequestration Transparency Act of 2012 (STA) (P.L. 112-155). It essentially says that if Congress and the Obama administration can't agree on \$1.2 billion in budget cuts for the next 10 years, the axe would fall indiscriminately at the rate of about \$100 billion per year.

And the first year of those reductions would begin on Jan. 2, 2013, with fiscal 2013 spending. The sequestration won't happen of course if the House, Senate and the Obama administration reach a multi-year budget agreement after the November 6 elections. Or, possibly, delay the sequestration by a few months or a year.

House Budget Committee Democrats attempted to offer on the House floor last week a budget plan that would head off the January 2 crisis. But Republican leaders refused to consider it. The Democrats' plan would pay off the \$1.2 trillion with a combination of higher taxes, levies on the energy industry and reductions in agricultural subsidies, all anathema to Republicans.

So right now the only plan in the works is the OMB sequestration [report](#). In it OMB described its methodology:

"As of the date of this report, no appropriations bills have been enacted for FY 2013. Accordingly, consistent with the assumptions required by the STA, the estimates for the level of sequestrable budgetary resources and resulting reductions assume that budget accounts with discretionary appropriations are funded at the annualized level provided by a CR at a rate of operations as provided in the applicable appropriation act for FY 2012, plus any funding enacted as advance appropriations for FY 2013."

Although long, the report, titled *OMB Report Pursuant to the Sequestration Transparency Act of 2012*, does not provide much detail. It simply lists agencies and major programs and says they are in for 8.2 percent budget cuts, compared to fiscal 2012. For instance Park Service operations would be cut by 8.2 percent or \$183 million, NPS construction by 8.2 percent or \$13 million, NPS recreation and preservation by 8.2 percent or \$5 million, and NPS LWCF (including state grants) by 8.2 percent or \$8 million.

As to the big new surface transportation law MAP-21 (PL 112-141 of July 6), the sequestration would not affect the Highway Trust Fund and the gasoline taxes that feed it. But OMB said the sequestration would chop \$471 million out of the \$6.2 billion Congress approved in MAP-21 to supplement the waning Highway Trust Fund.

Six-month CR cuts back on MAP-21; Kansas drops RTP

Sen. Barbara Boxer (D-Calif.) is up in arms because she says a jumbo appropriations bill for the first six months of fiscal year 2013 that Congress is working on this week shorts surface transportation.

Boxer said the new highway law that was enacted July 6 anticipates a cost of living increase in fiscal 2013 of \$500 million. But the six-month continuing resolution (H Con Res 117) doesn't include the increase. Instead, as it does for almost all other programs, the continuing resolution pegs

spending in the first half of fiscal 2013 at fiscal 2012 levels.

Boxer wrote Speaker of the House John Boehner (R-Ohio) before the House passed HJ Res 117 September 13, "MAP-21, the bipartisan legislation which passed the House of Representatives with an overwhelming vote of 373-52, maintained current funding levels for the remainder of fiscal year 2012 and included an inflationary adjustment for fiscal years 2013 and 2014. This increase in funding would simply account for inflation in accordance with the Congressional Budget Office baseline."

Boxer and supporters of transportation spending didn't hold out much hope that Congress would amend the six-month spending resolution put together by Republican and Democratic leaders. But Boxer did put in a plea for help when Congress finishes fiscal 2013 spending bills, perhaps late this year. "If the cut were to remain in the continuing resolution, it must be restored before any full year transportation funding bill proceeds," she wrote Boehner.

Although MAP-21 (PL 112-141 of July 6) reduced substantially recreation funding, it still maintained a baseline for transportation enhancements, scenic byways, etc. to keep the programs alive, albeit at a reduced level.

In an unexpected development related to MAP-21 a second state at the last second chose to opt out of a **Recreational Trails Program** (RTP) - Kansas. Florida had already opted out by a September 1 deadline. "We got a call from the governor saying Kansas was not going to opt out. Then the Kansas Department of Fish, Wildlife and Parks told the Federal Highway Administration it wouldn't participate," said one participant in a campaign to persuade states to participate in the program.

Recreation interests such as the Rails-to-Trails Conservancy are going to keep working on Florida and Kansas. "We have negotiated with top officials in Florida to minimize the impact of this decision by securing commitments to fully fund the dollars on recreational

trails from other programs. And don't think for a moment that we won't keep fighting in Kansas," the conservancy wrote its members last week.

The conservancy added that the RTP success augurs well for the future. "(A)s the first test under the new federal transportation bill MAP-21, we've shown that trails, walking and bicycling have an essential place in America's transportation future—and we won't stand for anything less," it said.

MAP-21 guaranteed \$85 million per year for the RTP program from a transportation alternatives pot. A number of other outdoor programs including Safe-Routes-to-School are competing for transportation alternatives dollars that aren't reserved for the RTP. And in some states, such as Maine, as much as 40 percent of transportation alternatives money could go to RTP, providing an incentive for Maine's governor to opt out because little money would be left for other activities.

In other states, such as California, the formula is not so restrictive. Of California's estimated \$75 million transportation alternative allocation, only \$6 million would be confined to RTP.

In the broader recreation picture the highway law does NOT include \$700 million per year for the Land and Water Conservation Fund for the next two years. A Senate-passed bill that was before the conferees would have provided the money.

In a second blow MAP-21 reduces 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 must compete with each other and with other programs for the \$760 million.

In a third blow, 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 PL 112-141. The program still has \$13.5 million left for this fiscal year (2012), but for fiscal 2013, beginning October 1, the spigot is off.

Will cabin fee, Manhattan bills lead big lands bill?

The House continues to crank out important park and recreation bills that could serve as engines to pull an omnibus lands bill later this year.

But there are no guarantees. For instance, on September 19 the House was forced to delay consideration of widely-supported legislation (HR 5987) to establish a Manhattan Project unit in the National Park System.

Rep. Dennis Kucinich (D-Ohio) objected to the bill and demanded a formal vote, postponing action on the measure because it was brought to the floor under an expedited procedure. The measure could always be brought up in November under normal House procedures, with a formal vote.

On September 10 the House did approve legislation (HR 3397) that would establish a new system of fees for the 14,000 owners of cabin inholdings within the National Forest System. Again the measure is drawing support from both sides of the aisle. The measure passed without a formal vote.

In addition on September 10 the House approved a less momentous bill (HR 2489) that would extend a Civil War battlefields acquisition program and add to it battlefields from the Revolutionary War and the War of 1812.

The Manhattan Project legislation is stirring up the most national interest. It enjoys support from both influential Democrats as well as Republicans. Senate Energy Committee Chairman Jeff Bingaman (D-N.M.) sponsored a Senate bill (S 3300) 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 Manhattan bill, the outlook for moving the legislation as a stand-alone bill should be good. However, it just takes one "hold" request from one senator to block it, bringing up the possibility of an omnibus lands bill.

And Kucinich's objections could inspire a senator to object and place a hold.

An omnibus bill is already problematic because Hastings himself has often expressed hostility to such legislation. His office last month repeated that opposition, but seemed to confine it to measures that have not been subjected to hearings and mark-up.

"Chairman Hastings continues to oppose a monster omnibus that is stuffed with bills that have never undergone public review or been considered by the House," said an aide to the chairman.

According to the committee's count the House has approved more than 100 bills that the panel has approved over the last two years.

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 Senate committee held a hearing on the counterpart bill (S 3300) July 10.

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.

Kucinich objected to the Manhattan bill on moral grounds because it would indirectly pay homage to nuclear weapons. "At a time when we should be organizing the world towards abolishing nuclear weapons before they abolish us, we are instead indulging in admiration

at our cleverness as a species," he said. "The bomb is about graveyards; it's not about national parks."

But Hastings said the legislation simply commemorated the American wartime effort to produce the bomb.

"What this bill purports to do is nothing more than to talk about the ingenuity of the American people to develop this weapon when the nuclear industry was relatively in its infancy, and did it in such a short time frame," he said.

The Manhattan bill had seemed like a good candidate for a lead bill to pull an omnibus lands bills. But the opposition of Kucinich, and perhaps like-minded senators, could squelch that deal.

Cabin fees: The Forest Service cabin bill (HR 3397) would establish nine tiers of fees beginning at \$500 per year and increasing by \$500 increments to a top fee of \$4,500.

A counterpart Senate bill, introduced by lead sponsor Jon Tester (D-Mont.), estimates that eight percent of cabin owners would have to pay just the \$500 per year fee and seven percent, or 980, would have to pay \$4,500.

Under the existing law - the Cabin User Fee Fairness Act of 2000 - the Forest Service in 2007 began reappraising cabins, based on five percent of the market value. Because some cabins had not been appraised for as much as 30 years the appraisals went through the roof. Congress did set a 25 percent ceiling on the annual increase in calendar year 2009.

So western senators and House members went to work with gateway communities and the 14,000 cabin owners to devise a fee system that would avoid huge fee increases but still insure the public receives a fair return on their property. It costs the Forest Service in the neighborhood of \$10 million per year to manage the program.

Said Hastings on the House floor September 10, "Unless Congress acts

to bring about a course correction, thousands of cabin owners will be forced to abandon family heirloom cabins as the currently planned hike in fees goes into effect."

Rep. Rush Holt (D-N.J.) said Democrats generally supported the bill but were concerned about increased fees for lower income owners. "We remain concerned about the impact this legislation may have on cabin owners of modest means, of which there are many," he said. "It appears that in order to reduce the fees for owners in the highest bracket, fees on the middle- and lower-value cabins would have to increase."

Battlefield bill: The bill (HR 2489) would extend for five years a program that authorizes appropriations for the acquisition of Civil War battlefields. It would also add War of 1812 and Revolutionary War battlefields as eligible properties. The War of 1812 and Revolutionary War expansion would add 670 historical battlefields to the mix, according to Holt.

House GOP has suspicions about Grand Canyon withdrawal

House Republican leaders are demanding internal Interior Department documents that backed the science used to justify the withdrawal of one million acres of public lands near Grand Canyon National Park.

The Republicans suspect that the department jiggered the science to demonstrate that the uranium mining on the one million acres posed a threat to the resources of the park. They cited internal Park Service e-mails that they obtained that said the impacts were overestimated.

"The leaked e-mails suggest that the Department of Interior intentionally manipulated data and scientific research in order to justify their reckless agenda," said Rep. Rob Bishop ((R-Utah), chairman of the House subcommittee on National Parks.

Bishop and House Natural Resources

Committee Chairman Doc Hastings (R-Wash.) are reviving the charges in a September 17 letter to Secretary of Interior Ken Salazar. Bishop and Hastings said that the department has not answered adequately a previous May 23 letter seeking information.

The Interior Department responded to the Republican requests September 18 with a statement attributed to spokesman Blake Androff: "The Department has already produced hundreds of documents in response to the Committee's request and we will continue to cooperate with the Committee's legitimate oversight interests on this matter. Interior's decision protects the iconic Grand Canyon and its vital watershed from the potential adverse effects of additional uranium and other hardrock mining on over 1 million acres of federal land."

A spokeswoman for Hastings fired back that the department had only provided readily available public documents, not the internal information they are seeking. "Their refusal to provide documents only serves to undermine the flawed, unilateral action by the Secretary to order this unnecessary million-acre mineral withdrawal," said the spokeswoman, Crystal Feldman.

The Interior Department January 18 formally withdrew from uranium mining for 20 years the one million acres of public land near Grand Canyon managed by the Bureau of Land Management and the Forest Service.

The withdrawal bars the filing of new mining claims, but it does not necessarily prevent the mining of existing claims.

The mining industry has filed several lawsuits against the withdrawal. The plaintiffs argue that the withdrawal is unnecessary to protect Grand Canyon National Park and surrounding communities from the impacts of uranium mining.

In their legal arguments the miners say an EIS backing the withdrawal is inadequate and the withdrawal provision of the Federal Land Policy

and Management Act of 1976 is itself unconstitutional.

The National Mining Association, which represents major mining companies, led off with a February 24 lawsuit. The Northwest Mining Association, which represents smaller exploration companies, filed its suit March 6. Both were filed in U.S. District Court in Arizona.

Three Arizona House members unsuccessfully attempted to push through the floor February 16 legislation to block implementation of the withdrawal, but the House Rules Committee ruled the amendment out of order. Reps. Trent Franks (R-Ariz.), Jeff Flake (R-Ariz.) and Paul Gosar (R-Ariz.) introduced the amendment.

Now Hastings and Bishop are putting the pressure on Interior by demanding internal documents. In the September 17 letter they said the department has just provided publicly-available documents, not the internal documents that went into the decision.

"However, no further response has been received and no documents reflecting the Department's internal deliberations about the withdrawal decision, including Department edits and comments on the draft and final Environmental Impact Statements or the Record of Decision, have been provided," said the Hastings and Bishop letter.

New farm bill all but ruled out, extension is possible

With time about to expire on an existing farm bill, the House and Senate at press time were nowhere near agreement on producing a new law.

The betting on the Hill is Congress will simply extend the old law for a couple of months, or perhaps a year.

The long-term legislation is stuck in the House. A combination of conservative objections to the measure's price tag and liberal objections to cuts in child nutrition programs is

preventing leaders from assembling enough votes to pass a bill.

Conservation programs are stuck in the middle of three separate proposals:

* A Senate-passed bill (S 3240) that would extend most farm programs for five years, but would eliminate and trim some conservation programs. The Senate approved it June 21,

* A House Agriculture Committee bill (6083) that would extend most farm programs for five years, but with even deeper cuts in conservation spending than in the Senate bill. Although the House committee approved the bill July 12, House leaders have been unable to muster the votes to bring it to the floor,

* A disaster assistance program (HR 6233) that would cut conservation spending to pay for drought aid. The House approved the bill August 2 but Senate Democratic leaders do not intend to bring it up.

Again, Congress, which is expected to recess/adjourn today until after the November 6 elections, is up against a September 30 deadline. That is when an existing farm bill is scheduled to expire. Conservationists oppose the relief bill proposed by House Republicans because of the conservation program reduction. 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.

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

Farmers are furious about the gridlock on the Hill, predictably. "The 2008 Farm Bill expires on September 30. Congress is well aware of its expiration, and sadly leadership has succumbed to political pressure and will

leave with unfinished business," said National Farmers Union President Roger Johnson. "Aside from politics, there is no reason that the House doesn't bring the farm bill to a floor vote. Leadership has chosen to cancel all votes in October. It is disappointing that leadership has chosen to leave us hanging because of political games."

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 consideration 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 required Section 404 permits for non-navigable waters.

Congress to pay back \$423M borrowed for fire fighting

The Senate is expected to vote this weekend on final approval of a temporary spending bill (HJ Res 117) that includes \$423 million to compensate the Forest Service and Interior Department for operations and maintenance money they spent to fight wildfires this year.

The \$400 million for the Forest Service and \$23 million for the Interior Department would be taken out of fiscal 2013 spending to make the payback.

The spending bill, in the form of a continuing resolution (HJ Res 117), is supposed to keep the federal government in money through the first half of fiscal 2013. *(See related article page one).*

The failure of Congress to provide enough emergency firefighting money in fiscal 2012 created a firestorm of criticism. Most notably, a broad alliance of interest groups September 10 petitioned Congress and the Obama administration to ask for full funding for wildfire programs.

The plea came in response to the revelation that Congress has shorted the Forest Service and the Interior Department emergency fire-fighting money

for fiscal year 2012. As a result the agencies must borrow as much as \$500 million from other programs.

The coalition - ranging from the ski industry to the timber industry to environmental groups - asked Congress and the administration to make up the money in the fiscal 2013 continuing resolution (CR). Congress is doing just that right now in the CR that would carry the federal government through the first six months of fiscal 2013, or until March 28, 2013.

Said the coalition in its letters, "We urge you to take action in the upcoming Continuing Resolution and subsequent full year appropriation to provide adequate fire suppression funding that is equal to the 10 year average."

The groups added, "We are very concerned that the transfers of non-fire funds to cover emergency fire suppression will have real, negative impacts on a host of important forestry and related activities that are vital to care for our Nation's forestlands."

The coalition sent similar letters to House appropriators, Senate appropriators and Secretary of Agriculture Tom Vilsack.

The dozens of groups in the coalition include the American Forest Resource Council, The Wilderness Society, the National Association of Forest Service Retirees, the National Association of State Foresters, the California Ski Industry Association, and the Stock Growers.

In a separate development Rep. Stevan Pearce (R-N.M.) insinuated recently that federal land managers this summer allowed wildfires to burn out of control before trying to extinguish them.

Referring to fires in the City of Alamogordo, Lincoln County and the Village of Ruidoso, all in New Mexico, Pearce said, "In support of the public's personal safety, including that of our first responders, I continue to question why these fires were not extinguished before strong winds caused them to burn

out of control. My office is working with retired Forest Service personnel to get answers to this important question.”

As we have reported frequently, Republicans and Democrats have recently exchanged charges of political interference in federal wildfire policy. The Republicans assert that the Obama administration has deferred to environmental groups and hasn't thinned out dead and dying trees aggressively enough. Democrats have countered that Republican legislation to accelerate such thinning is politically motivated because it stands little chance of enactment.

For the record the House Natural Resources Committee August 1 approved legislation (HR 6089) that would authorize governors to designate emergency hazardous fuels reduction projects in high-risk federal areas. Most committee Democrats objected.

Still waiting in the committee's wings is an even more contentious fire control bill (HR 5744) from Rep. Paul A. Gosar (R-Ariz.) and 32 cosponsors. It would establish firm deadlines for action on fuel reduction projects in at-risk national forests; would require a final decision on a project within 60 days of first notice; and would require completion of environmental documentation within 30 days of first notice.

The debate about fire policy surfaces as federal land managers and their state, Indian and local allies are struggling through another in a succession of severe wildlife seasons.

As of late this week the nation had in 2012 been hit by 47,000 wild fires on 8.5 million acres. Last year at this time it was 59,000 fires on 7.7 million acres. The ten-year average is 60,700 fires and 6.4 million acres.

The fires this year have been so costly the Forest Service and the Interior Department are running out of fire suppression money. They must resume the much-criticized practice of borrowing funds from other programs to fight fires.

Further, given the federal budget crisis, Congress may be neither willing nor able to find money to compensate those other programs.

The Forest Service said it may need to borrow as much as \$400 million from other programs and the Department of Interior is asking programs to transfer \$91.8 million.

Congress said in 2009 it had put an end to such borrowing when it established an emergency fire-fighting account called FLAME, as in Federal Land Assistance Management and Enhancement Act (FLAME). Congress also said that when any particular fiscal year FLAME money was unspent the remainder should be applied to the next year.

But when Congress wrote a fiscal year 2012 appropriations law, it did not apply \$200 million in leftover fiscal 2011 money to fire suppression, instead applying the money to balancing the federal budget. Still, the \$200 million wouldn't have covered all of the Forest Service's needs. Thus the letters from the interest groups.

Hantavirus death toll in Yosemite increases to three

The Hantavirus outbreak in Yosemite National Park has now killed three people, as the Park Service extends its efforts to contact summer visitors to suspect areas of the park.

Nine visitors who visited the park between June 10 and August 24 have contracted the virus. Eight had stayed in signature tent cabins in Curry Village and one was believed to have stayed outside Curry Village in High Sierra Camps.

The 91 signature cabins remain closed - and may for a good long while - as the park, the Federal Center for Disease Control and Prevention, and the California Department of Public Health attempt to prevent the spread of the virus.

And, yes, Yosemite is very much open, including some 431 camps in Curry

Village outside the tent cabins.

NPS is attempting to alert everyone who enters the park of the possible dangers. "The park is distributing Hantavirus information to every visitor entering Yosemite and notices are posted throughout the park," Yosemite said in an alert.

Hantavirus is usually spread by the droppings, urine or saliva of rodents such as mice. The virus can be stirred up from dust and be ingested. The incubation period is usually two-to-four weeks and the symptoms begin with the usual symptoms of flu - fever, headache and muscle ache. In the worst cases it closes down lungs, resulting in death.

It is believed the signature tent cabins provide a prime incubation environment for the virus. Mice burrow between the double canvas walls that are supposed to provide insulation. Once encamped in the folds of the tents the droppings, urine or saliva of the mice are difficult to remove.

The park is also scouring the rest of the park to prevent the spread of Hantavirus from infected rodents.

The outbreak struck the nine guests between June 10 and August 24 of this year. DNC Parks and Resorts, an operation of the Delaware North Companies Parks & Resorts, operates the 91 canvas-sided cabins. The company manages an additional 317 cabins in Curry Village. DNC Parks and Resorts is a major player in the Park Service concessions game. It manages many facilities at Yosemite, Grand Canyon National Park and Sequoia National Park.

NPS said last week it has notified 30,000 people who stayed in the park this summer of the danger.

The Center for Disease Control has identified less than 600 cases of the Hantavirus nationwide since 1993, but one-third of those have been fatal.

Notes

Concessioner entry fees faulted.

Recreationists filed a lawsuit September 11 against the Forest Service charging that it violates a national recreation fee law by allowing concessioners to charge fees for entry into broad areas managed by the concessioners. The recreationists object specifically to entrance fees charged by the concessioners in four recreation areas in the West. They argue that the Federal Land Recreation Enhancement Act (REA) of 2004 prohibits parking fees in areas where visitors don't use developed facilities. That is, the plaintiffs say they participate usually in dispersed recreation, such as hiking. Among other things the complainants say REA prohibits such fees when it says, "Notwithstanding any other provision of this chapter, a third party may charge a fee *for providing a good or service* to a visitor of a unit or area of the Federal land management agencies in accordance with any other applicable law or regulation." (Emphasis in the lawsuit.) The lawsuit was filed by five individuals in Arizona and Oregon and the BARK nonprofit corporation. The areas in question are Rose Canyon Lake in the Coronado National Forest in Arizona, Second Crossing in the Tonto National Forest in Arizona, Rampart Reservoir in the Pike National Forest in Colorado and Walton Lake in the Ochoco National Forest in Oregon. Recreationists have objected to REA ever since its passage in 2003. They particularly dislike entrance fees to large areas rather than to just the developed facilities within those areas.

NPS units threatened by energy?

The liberal group the Center for American Progress said September 12 that 30 units of the National Park System would be threatened by oil and gas drilling, if the federal government removed federal regulations. In addition the center said 12 national parks currently allow oil and gas development in valid existing rights established before the units were designated. The center didn't mention it but Republican Presidential Candidate Mitt Romney has proposed delegating responsibility for managing federal land oil and gas permitting to the states. The group did acknowledge, "Currently, any development activity on

public lands, including national parks, must take place in accordance with various federal environmental laws to protect air, water, wildlife, and public health." But it added, "(I)t may not always be this way." More information is available at www.americanprogress.org.

U.S. to stop using ships as reefs.

The federal government has issued a new policy that forbids the scuttling of old ships to create artificial reefs. Since the Liberty Ship Act of 1972 those ships have been sunk and have provided rich fishing grounds. However, the 45 sunken ships also may have released tons of toxic substances. The U.S. Maritime Administration has not announced the new policy officially, but the environmental group Basel Action Network said it became effective in May. "The Obama Administration got this one right, and they should be commended for finally putting into place a more conservative policy that protects our resources, our jobs, as well as the marine environment," said Colby Self of the Basel network.

New Jersey opens Liberty areas.

The State of New Jersey has opened two new pavilions in Liberty State Park overlooking the Statue of Liberty, but not everyone is happy. The environmental group Public Employees for Environmental Restoration (PER) objects that fees as high as \$225 to use the picnic facilities will make the area unaffordable for most New Jersey residents. "These high fees price a picnic in the park beyond the reach of many New Jersey families," said New Jersey PEER Director Bill Wolfe. "Restricting use of public parks facilities to the exclusive reserved use of paying 'customers' harkens back to the Gilded Age - the concept is anathema to the notion of a public park." PEER said the two new pavilions were constructed with taxes, public grants and donations and should be available for free. PEER also objected that the state is not collecting market value on commercial operations on state lands.

Colorado agrees to haze plan.

The State of Colorado has gained final EPA approval of a plan to regulate

haze pollution in the state that might affect Class I areas - national parks and wilderness. Environmentalists have for decades charged that EPA and the states were dragging their collective feet in implementing a Clean Air Act requirement to reduce haze pollution over the national parks. If a state doesn't prepare a satisfactory state implementation plan (SIP), the law says EPA is to impose a federal plan for a state. Few states have complied but EPA has not imposed many - if any - federal plans. Wyoming for instance is rebelling against an EPA demand that it revise its SIP. Wyoming Gov. Matt Mead (R) said the EPA approach would cost the state \$77 million. But Colorado Gov. John Hickenlooper (D) has submitted a SIP that EPA approved this month. The entire Colorado Congressional delegation endorsed the plan, including such EPA critics as Republican Rep. Doug Lamborn. He said, "This is a workable plan to protect the air in Colorado's national parks and wilderness areas."

NPS seeks Civil War input. The Park Service asked the public September 12 for opinions on what priorities the federal government should set for Civil War battlefields. The Park Service has published a draft [report](#) that describes the condition of the battlefields. The Park Service request is pertinent because the nation is now observing the 150th anniversary of the Civil War (1851-1855). In a related action the House September 10 approved a bill (HR 2489) that would extend for five years a program that authorizes appropriations for the acquisition of Civil War battlefields. It would also add War of 1812 and Revolutionary War battlefields as eligible properties. The War of 1812 and Revolutionary War expansion would add 670 historical battlefields to the mix. Send comments to the Park Service by October 12 to <http://parkplanning.nps.gov/document.cfm?parkID=442&projectID=39967&documentID=49542>.

Antietam battle remembered.

The Antietam National Battlefield commemorated this last weekend the 150th anniversary of the battle that produced the bloodiest single day not only of the war but also in American history. On Sept. 17, 1852, both sides suffered a

combined 23,000 casualties. The Park Service held 300 special programs and tours to commemorate the battle.

Study: Overfishing hurts rec.

Commercial overfishing in the South Atlantic and Gulf of Mexico has depleted stocks of fish, reducing the number of recreational fishing trips in the area, according to a [report](#) commissioned by the Pew Trust. The report said that expenditures for recreational fishing for the South Atlantic black sea bass alone have decreased by \$53 million per year. The study was conducted by the Ecotrust firm.

Boxscore of Legislation

APPROPRIATIONS FISCAL 2013 (Interior)

HR 6091 (Simpson), HJ Res 117 (Rogers). Congressional leaders July 29 agreed to base funding for all appropriations bills during the first half of fiscal 2013 on an August 2011 budget agreement. House approved six-month spending September 13, Senate on September 19. The House Appropriation Committee approved HR 6091 June 28 based on a much smaller allocation. Committee bill would sharply reduce spending.

Appropriations FY 2013 (Energy, Water)

HR 5325 (Frelinghuysen), S 2465 (Feinstein), HJ Res 117 (Rogers). Congressional leaders July 29 agreed to base funding for all appropriations bills during the first half of fiscal 2013 on last year's budget agreement. House approved six-month spending September 13, Senate on September 19. House approved June 6. Senate committee approved April 26.

Appropriations FY 2013 (Transportation)

HR 5972 (Latham), (S 2322 (Murray), HJ Res 117 (Rogers). Congressional leaders July 29 agreed to base funding for all appropriations bills during the first half of fiscal 2013 on last year's budget agreement. House approved six-month spending September 13, Senate on September 19. Senate committee approved April 19; House committee June 19.

Appropriations FY 2013 (Agriculture)

HR 5973 (Kingston), (S 2375 (Kohl), HJ Res 117 (Rogers). Congressional leaders July 29 agreed to base funding for all appropriations bills during the first half of fiscal 2013 on last year's

budget agreement. House approved six-month spending September 13, Senate on September 19. Senate committee approved April 26; House committee June 19.

Congressional Budget Fiscal 2013. House approved April 15. No Senate action. House would reduce all spending.

Appropriations Fiscal 2012 (All bills)

HR 2584 (Simpson). President signed into law Dec. 23, 2011, as PL 112-74. Would roughly maintain most outdoor programs and agency budgets at fiscal 2011 levels.

Surface Transportation.

HR 4348 (Mica). President Obama signed into law July 6 as PL 112-141. Congress passed two-year bill as Senate requested. No LWCF money. Big cuts for rec programs.

LWCF (Guaranteed Funding)

S 1265 (Bingaman). Bingaman introduced June 23, 2011. Would guarantee full funding of LWCF each year.

LWCF (Fed Lands Access)

S 901 (Tester). Tester introduced May 5, 2011. Would allocate 1.5 percent of LWCF for access to fed lands for rec.

Urban Parks

HR 709 (Sires). Sires introduced Feb. 15, 2011. Would provide \$450 million per year to rehabilitate urban parks.

Roadless Areas: No

HR 1581 (McCarthy), S 1087 (Barrasso). McCarthy introduced April 15, 2011. Barrasso introduced May 26, 2011. Would reverse Clinton roadless rule, block Salazar 'wild lands' policy, release FS and BLM roadless areas.

Roadless Areas: Yes

HR 3465 (Inslee), S 1891 (Cantwell). Inslee introduced Dec. 19, 2011. Cantwell introduced Nov. 17, 2011. Would codify Clinton roadless rule.

Hunting and Fishing Access

HR 4089 (Jeff Miller), S 2066 (Murkowski). Murkowski introduced February 2. House approved HR 4089 April 17. House bill would not only keep public lands open to hunting, but also would require state approval of national monuments.

National Monuments

HR 302 (Foxx), S 407 (Crapo), numerous other House bills. (See previous item.) House hearing Sept. 13, 2011. Foxx would require state approval of any national monument under Antiquities Act. Herger, Crapo would require Hill approval within two years.