

Federal Parks & Recreation

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Not all appropriated CR money to be spent by April

Federal land management agencies are trying to figure out how to distribute fiscal year 2013 appropriations to individual programs - particularly programs composed of earmarks. As an initial impression the agencies will probably fully fund land management, but not set-asides.

The job this year is complicated by Congressional approval of a half-year fiscal 2013 appropriations continuing resolution (CR) with virtually no direction on spending.

So agencies are scrambling to figure out how to distribute the money. For land management the job is relatively easy - simply allocate a hair more than for fiscal 2012 appropriations. But for earmarks such as land acquisition, construction and heritage areas the job is far trickier. That's because the projects requested in the fiscal 2013 budget are almost completely different than those funded in fiscal 2012.

As a rule of thumb the Park Service said it will complete fiscal 2012 projects with fiscal 2012 money and, if those old projects are proposed to receive fiscal 2013 money, spend money from the CR on them.

Said David Barna, chief spokesman for the Park Service, "For FY 2013 projects, the rule is that if they are new starts, that is projects that were not continued from FY 2012, they cannot be funded under the CR." He added, "Very few FY 2013 projects are continuations from FY 2012."

The Park Service administrators of the Land and Water Conservation Fund (LWCF) state-side program will provide

no money for grants through March 27 even though the fiscal 2012 appropriation was \$45 million, and the CR is based on fiscal 2012 spending.

That's because a full-year, fiscal 2013 appropriations bill (HR 6019) approved by the House Appropriations Committee June 28 would provide no money for state grants. And even though HR 6019 is miles from enactment, the committee action is enough to deter spending by NPS.

"Because the House mark included no money for state grants our budget office directed us not to apportion any money for state grants," said Elizabeth Fondriest, recreation grants team leader for the Park Service.

President Obama signed the six-month CR into law September 28 as a pared-down appropriations bill for the first six months of fiscal year 2013 (PL 112-175). The measure provides slightly higher (.6 percent) spending levels than Congress approved in fiscal 2012.

Park and rec allocations that are included in the mammoth CR will keep all programs in money through March 27, 2013, even if the money can't be spent.

For full fiscal 2013 appropriations for the Interior Department and Related Agencies the Republican-controlled House and the Democratic-controlled Senate have laid down very different markers. The House committee approved its bill (HR 6019) June 28 that would sharply reduce park and recreation funding. The leaders of the Senate subcommittee on Interior Appropriators published a draft full-year bill September 25 that would roughly maintain fiscal 2012 spending levels in fiscal 2013.

Once a full-year appropriations bill - or possibly a full-year extension of fiscal 2012 spending - is enacted, agencies will make allocations for LWCF, construction and so on.

In the interim agencies are trying to figure out how to spend the six-months appropriated money with little guidance from the Hill.

Here are the first half fiscal 2013 numbers for the Interior and Related Agencies portion of the CR, compared to the House committee's full-year recommendations and the Senate subcommittee's full-year draft recommendations:

** LWCF ACQUISITION FEDERAL:* For the first half of fiscal 2013 the appropriation will be based on a fiscal 2012 full-year allocation of \$186.7 million. The House committee recommended \$51,578,000 for the entire fiscal 2013 and the Senate subcommittee recommended \$213 million.

** LWCF STATE GRANTS:* For the first half of fiscal 2013 the appropriation will be based on a fiscal 2012 full-year allocation of \$45 million. The House committee recommended \$2.8 million for the entire fiscal 2013 and the Senate subcommittee recommended \$45.6 million.

** STATE WILDLIFE GRANTS:* For the first half of fiscal 2013 the appropriation will be based on a fiscal 2012 full-year allocation of \$61.3 million. The House committee recommended \$30.6 million and the Senate subcommittee \$61.3 million.

** HISTORIC PRESERVATION FUND:* For the first half of fiscal 2013 the appropriation will be based on a fiscal 2012 full-year allocation of \$46.9 million. The House committee recommended \$42.5 million and the Senate subcommittee \$46.9 million.

** NPS OPERATIONS:* For the first half of fiscal 2013 the appropriation will be based on a fiscal 2012 full-year allocation of \$2.240 billion. The House committee recommended \$2.228 billion for the entire fiscal 2013 and the Senate subcommittee recommended \$2.256 billion.

** NPS CONSTRUCTION:* For the first half of fiscal 2013 the appropriation will be based on a fiscal 2012 full-year allocation of \$155.3 million. The House committee recommended \$131.2 million and the Senate subcommittee recommended the same, \$131.2 million.

** NPS REC AND PRES:* For the first half of fiscal 2013 the appropriation

will be based on a fiscal 2012 full-year allocation of \$59.9 million. The House committee recommended \$51.8 million for the entire fiscal 2013 and the Senate subcommittee recommended \$60.2 million. The big difference is heritage areas (see following item.)

* *NPS HERITAGE AREAS:* Included in rec and pres above. For the first half of fiscal 2013 the appropriation will be based on a fiscal 2012 full-year allocation of \$17.3 million. The House committee recommended \$9.3 million for the entire fiscal 2013 and the Senate subcommittee recommended \$17.3 million.

* *FWS:* For the first half of fiscal 2013 the appropriation will be based on a fiscal 2012 full-year allocation of \$1.226 billion. The House committee recommended for the entire fiscal 2013 \$1.040 billion and the Senate subcommittee recommended \$1.245 billion.

* *FOREST SERVICE:* For the first half of fiscal 2013 the appropriation will be based on a fiscal 2012 full-year allocation of \$1.554 billion. The House committee recommended \$1.495 billion for the entire fiscal 2013 and the Senate subcommittee recommended \$1.478 billion.

* *FS RECREATION:* For the first half of fiscal 2013 the appropriation will be based on a fiscal 2012 full-year allocation of \$281 million. The House committee recommended \$260 million for the entire fiscal 2013 and the Senate subcommittee recommended \$267 million.

* *BLM RECREATION:* For the first half of fiscal 2013 the appropriation will be based on a fiscal 2012 full-year allocation of \$67.5 million. The House committee recommended \$60.9 million for the entire fiscal 2013 and the Senate subcommittee recommended \$67.6 million.

Here's the status of three other outdoor-related spending bills:

Transportation: The Senate Appropriations Committee approved a year-long 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 a year-long 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 committee approved its version of a bill (S 2465) April 26.

Agriculture: The Senate committee approved a year-long 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.

NPS visitation increases slightly; lots of variations

As is often the case visitation in the National Park System this year has varied on a site-by-site basis, with units such as Martin Luther King, Jr. Memorial enjoying a significant increase and units such as Gateway National Recreation Area suffering a decline.

But overall through September NPS's national statistics show a recreation visitation increase of almost three percent in 2012 compared to 2011. Some 232,124,718 people have visited the national parks this year compared to 225,497,733 in 2011.

As is often the case unusual circumstances play into the statistics. On the upside the nation is moving into the Sesquicentennial of the Civil War as major battles in 1862 erupted in Manassas (Second Battle), Antietam and Fredericksburg, and are now being commemorated.

In addition the Martin Luther King, Jr. Memorial, which has hosted more than 3.2 million visits this year, was just opened late in 2011. The memorial had 405,539 visits last year. So the increase is a large 2,794,165.

On the downside Yosemite National Park has been hit by a Hantavirus

outbreak that killed three people, injured double that number and almost certainly scared off some visitors. NPS statistics show that in September visitation in Yosemite dropped by more than 50,000 compared to last year, from 533,502 to 482,004.

The Washington, D.C., Mall demonstrated the unpredictability of visitation numbers with the Washington Monument closed because of damage from an Aug. 23, 2011, earthquake. But the nearby Martin Luther King Memorial is getting a huge bump.

Other mall sites demonstrated large gains including the Vietnam Veterans Memorial with an increase of more than 200,000, the Lincoln Memorial with an increase of more than 218,000 and the Thomas Jefferson Memorial with an increase of more than 620,000.

All told, the Washington Monument closure may not be affecting overall visitation to the Washington, D.C. mall, said Butch Street with the NPS Public Use Statistics Office. "The Washington Monument visitation certainly has been affected (by the closure), but it hasn't had any effect on the rest of the mall areas," he said. "I think with just one area on the mall closed, it shouldn't have much affect on the others."

In the Park Service's visitation compilations other factors may come into play. For instance, last summer Gulf Islands National Seashore suffered a drop in visitation after the Deepwater Horizon oil spill in the Gulf of Mexico.

The year-to-date statistics arrive just as park concessioners, doing business as the National Park Hospitality Association, are hosting a retreat at Grand Canyon National Park. NPS officials and leading friends of the parks are among the participants. The concessioners by definition are aggressive promoters of increased visitation to the parks.

They are meeting at the North Rim of the park for a *Grand Thoughts at Grand Canyon* conference.

The Park Service numbers are

available at [https://irma.nps.gov/Stats/SSRSReports/System Wide Reports/YTD Report %28By Park-State-Park Type-Region%29](https://irma.nps.gov/Stats/SSRSReports/System%20Wide%20Reports/YTD%20Report%20By%20Park-State-Park%20Type-Region%29).

Obama designates César Chávez monument; GOP grumbles

President Obama designated a national monument October 8 in memory of the labor leader César E. Chávez in Keene, Calif. It is the first Park Service unit to honor a contemporary Latino American. It is also the 398th site in the National Park System.

Said Obama, "César Chávez is one of the most revered civil rights leaders in the history of the United States." Thousands of people turned out at the dedication ceremony, including Obama.

The 10.5-acre site, known as Nuestra Señora Reina de la Paz, served as the headquarters of the United Farmworkers Union when Chavez was working on behalf of farm laborers in the Southwest.

Obama designated the site under the Antiquities Act of 1906, which gives a President authority to establish national monuments on federal lands. So the entire Chávez monument is made up of federal land.

One key Republican House leader, Rep. Doc Hastings (R-Wash.), had little good to say about the monument designation. "This national monument designation is an unnecessary use of Presidential powers and appears to be based more on politics than sound policy," said Hastings, chairman of the House Natural Resources Committee.

Democrats in general and Obama in particular traditionally receive a large majority of the Latino American vote. So the designation of the César E. Chávez National Monument a month before the November 6 elections shouldn't hurt the Democratic cause.

Hastings also attacked the cost of the monument. "In addition, the costs and any liabilities associated with running and maintaining this site are

unknown at a time when President Obama has led us to trillion dollar annual budget deficits and there are millions of dollars in backlogged maintenance for our existing Parks," he said.

The National Parks Conservation Association (NPCA) praised Obama and said now is the time for Congress to act to expand the Chavez monument.

Said NPCA President Tom Kiernan, "We call upon Congress to preserve the complete story of César Chávez and the farmworkers movement for our children and grandchildren to enjoy. We urge the passage of legislation to add other important César Chávez historic sites to the National Park System, including 40 Acres and the Filipino Hall in Delano, California, the 1966 Delano to Sacramento March Route, and the Santa Rita Center in Phoenix, Arizona, as recommended in the National Park Service's Special Resources Study that was requested through a bipartisan vote by Congress."

The Obama declaration directs the Park Service to prepare a management plan for the monument within three years.

The declaration says, "The management plan will ensure that the monument fulfills the following purposes for the benefit of present and future generations: (1) to preserve the historic resources; (2) to commemorate the life and work of César Chávez; and (3) to interpret the struggles and achievements of the broader farm worker movement throughout the United States."

Powerline through Delaware Water Gap goes to court

Nine environmental groups October 15 sued in federal court a Park Service decision approving an electrical transmission line through 4.3 miles of three mid-Atlantic national park units. The decision was made October 1 but was not published in the *Federal Register* until October 17.

The plaintiffs, led by the National Parks Conservation Association,

said the power line would harm the Appalachian National Scenic Trail, the Delaware Water Gap National Recreation Area and the Middle Delaware National Scenic and Recreational River.

The plaintiffs said the impact to the three sites would violate the National Park Service Organic Act, the Wild and Scenic Rivers Act and the National Environmental Policy Act.

The plaintiffs summed up their complaint to the U.S. District Court for the District of Columbia, "Rather than protecting the Parks as a sanctuary for the natural environment, wildlife, and humans alike, the Park Service has contravened its duty to protect the Parks from impairment and adverse impacts. Accordingly, this Court should invalidate the Park Service's environmental analysis and ROD (record of decision) and enjoin the Park Service's decision to approve the Project."

The proposed powerline from the PPL Electric Utilities Corp. would replace an existing electrical transmission line with a larger line, a broader right-of-way and taller towers.

The Susquehanna-Roseland Transmission Line would beef up the electrical grid in the mid-Atlantic with a \$1.2 billion, 146-mile electricity transmission line. The ROW would extend from Berwick, Pa., to Roseland, N.J.

In announcing the NPS decision Secretary of Interior Ken Salazar emphasized the economic benefits of the powerline. "This project brings the nation's electric system one step closer to a modern, 21st century grid that is safer and more secure, and gives consumers more energy choices," he said. "I'm pleased the companies have committed to significant mitigation work and look forward to making additional announcements about that in the coming weeks."

The plaintiffs said the ROW would violate these laws:

National Park Service Organic Act:
The plaintiffs said the Park Service

must follow the act's direction "to prevent impairment to park resources and values." But, they say in the lawsuit, "As memorialized in the ROD, the Park Service has approved a Project that will result in what the agency acknowledges are serious and abiding damage to the Parks."

Wild and Scenic Rivers Act: The plaintiffs said the ROW would harm the Delaware Middle River, a wild and scenic river, in violation of the act. "The Park Service's environmental review concluded that the Project 'would result in significant long-term degradation of the scenic values for which the river was designated, which would be contrary to the directives in section 10(a) of the Wild and Scenic Rivers Act to 'protect and enhance' those values which caused the river to be included in the system,'" the suit says.

National Environmental Policy Act: The plaintiffs said the EIS backing the Park Service decision violates the act because it "fails to consider at all - much less meaningfully - key elements of the required environmental analysis, including reasonable non-transmission alternatives and direct and indirect impacts of the Project."

The Park Service decision is available at: <http://parkplanning.nps.gov/document.cfm?parkID=220&projectID=25147&documentID=49997>.

The complaint is available at <http://earthjustice.org/news/press/2012/conservation-groups-challenge-approval-of-power-line-planned-to-cut-through-treasured-national-parks>.

Congress has wide range of NHA bills on its plate

Heritage area bills large and small are lined up in Congress if House and Senate leaders are of a mind to produce an omnibus lands bill in a lame-duck session after the November 6 elections.

Most recently, a Democratic and a Republican senator in September teamed up to introduce legislation (S

3623) that would extend the life of 12 existing heritage areas for four years.

Waiting in the wings are a dozen meatier bills that would designate individual National Heritage Areas (NHAs). Also on deck is the meatiest bill (HR 4099) that would formally establish a heritage areas program; Congress established the existing 48 NHAs on an ad hoc basis.

The Alliance of National Heritage Areas is hoping for action on any and all of the above, said chair Allen Sachse, chairman of the alliance. "Obviously, we hope there will be some action," said Sachse, who is a former director of the Delaware & Lehigh National Heritage Corridor. "We are going to keep working on it. Our first priority is the national bill."

Extension bill: The legislation that would simply extend 12 existing NHAs through 2016 may stand the best chance of enactment because Congress has already decided that the 12 merit designation. The bill (S 3623) was introduced by Sens. Jack Reed (D-R.I.) and Rob Portman (R-Ohio).

Four House members led by Rep. James McGovern (R-Mass.) introduced a counterpart House bill (HR 6572) October 12 with bipartisan sponsorship.

As chair of the Senate subcommittee on Interior Appropriations Reed is of course in position to add his bill to a fiscal year 2013 appropriations bill. However, a draft subcommittee version of the bill does not include the heritage area extensions.

The 12 areas are: National Coal Heritage Area, Tennessee Civil War National Heritage Area, Augusta Canal National Heritage Area, Steel Industry Heritage Project, Essex National Heritage Area, South Carolina National Heritage Corridor, America's Agricultural Heritage Partnership, Ohio & Erie Canalway National Heritage Area, Hudson River Valley National Heritage Area, Lackawana Heritage Valley, Delaware & Lehigh National Heritage Corridor, and Blackstone River Valley National heritage Corridor.

Programmatic bill: Rep. Charlie Dent (R-Pa.) and 43 cosponsors introduced this legislation (HR 4099) February 28 that would establish (1) a national system of NHAs and (2) standards for the NHAs.

The Congressional NHA process for years has been criticized by both Republicans and Democrats because Congress has never established a national policy for NHAs nor national standards for new NHAs. Instead, Congress has often designated NHAs in appropriations bills and omnibus lands bills.

Most recently, Congress established ten new NHAs in an omnibus lands law (PL 111-11 of March 30, 2009).

Heritage areas usually consist of a mix of public and private lands with striking social, economic, historical and natural features. NHAs don't, in their entirety, quite rise to the level of national parks. However, some NHAs do actually include national park units within their borders.

Once Congress designates an NHA, the Park Service works with local public and private partners to prepare a management plan.

Individual bills: Almost every biennial Congress develops an omnibus lands bill that includes several NHAs. In this Congress dozens of lands bills have been introduced in the House and Senate that would be candidates for an omnibus in November and December.

Sachse said his alliance has talked to the Senate Energy Committee staff about a possible omnibus bill, with no promises.

Not everyone is enthusiastic about NHAs. Rep. Tim Huelskamp (R-Kan.) has introduced a bill (HR 3716) that would bar spending any federal money on NHAs. HR 3716 lists 49 NHAs and forbids spending money on each. Huelskamp has one cosponsor.

Appropriations: For the first half of fiscal 2013 the NHA appropriation, part of the Park Service Recreation and

Preservation line item, will be based on a fiscal 2012 full-year allocation of \$17.3 million. That's in a six-month continuing resolution (PL 112-175 of September 28).

However, NPS in general will not spend continuing resolution money on set-asides until a full-year bill is completed. (See front-page article.)

For a full -year appropriation the House Appropriations Committee approved a bill (HR 6091) June 28 that recommended \$9.3 million for the year. The Senate subcommittee draft recommended \$17.3 million.

MAP-21 may set good policy example, but money lacking

A leading Obama administration official told recreation professionals last week that the new two-year transportation law called MAP-21 may provide a model for future transportation laws.

Deputy Federal Highway Administration Administrator (FHWA) Gregory Nadeau said at a meeting of the Recreation Exchange that MAP-21 (Moving Ahead for Progress in the 21st Century) provides certainty and flexibility.

But, according to American Recreation Coalition President Derrick Crandall, who hosted the meeting, Nadeau said MAP-21 came up short on money. "He believes MAP-21 with a few tweaks could serve as a good model on the policy side, but not on the funding end," said Crandall. "We have to find new revenues."

Nadeau, a former member of the Maine legislature and advisor to former Gov. Angus King (), did not respond substantively to questions from FPR. AN FHWA spokeswoman said simply that Congress will make the calls on a new law.

MAP-21 (PL 112-141 of July 6) consolidated such programs as transportation enhancements, recreational trails into a Transportation Alternatives line

item. The estimated allocation to the Transportation Alternatives program was \$760 million per year, or about a \$200 million decrease. In addition the programs would have to compete with each other and with other programs for the \$760 million.

Within Transportation Alternatives MAP-21 set aside \$85 million for the recreational trails program, while allowing states to opt out if they wished. Only Florida and Kansas opted out.

The FHWA spokeswoman affirmed that the agency is working on Transportation Alternatives guidance.

As for money most players agree Congress must come up with guaranteed funding for surface transportation programs. Under the existing funding mechanism gasoline taxes fed into the Highway Trust Fund come several billion dollars short each year. In MAP-21 Congress came up with \$19 billion in general funds over the two years to finance highway and transit programs at \$105 billion per year.

It's a long shot right now but the Highway Trust Fund may catch a break in expected omnibus budget negotiations after the November 6 elections. Congress will be trying to head off a \$1.2 billion sequester due January 2. (See related article on the sequester page 9.)

Several centrist senators are promoting the Simpson-Bowles recommendations that include a 15 cent per gallon increase in the gasoline tax. That would add roughly \$15 billion per year to the Highway Trust Fund.

Said the Simpson-Bowles group, "The Commission recommends gradually increasing the per gallon gas tax by 15 cents between 2013 and 2015."

But the committee also recommended that Highway Trust Fund money be concentrated on major infrastructure. Some House and Senate members have criticized recreation spending as frivolous.

NPS retirees: Y'stone snow plan violates science policy

In objecting to a proposed Park Service plan for managing snowmobile use in Yellowstone National Park, agency retirees are arguing the agency contravenes its own new science policy.

The retirees contend the plan, scheduled to be implemented in the winter of 2014-2015, could lead to agency-wide disregard of the rigorous adherence to science called for in a *Revisiting Leopold* report. The Coalition of National Park Service Retirees laid out its objections in an October 8 letter to the park.

"The implications of this contradiction (between the science report and the proposed plan) go beyond Yellowstone's boundaries," said the retirees in a letter signed by Maureen Finnerty, chair of the executive council. "If Yellowstone adopts a winter use plan that faithfully upholds the recommendations of *Revisiting Leopold* — and in doing so enhances a major stewardship decision within our first national park — this example would likely spur wider embrace of the report's recommendations by other park managers and decision makers across the System, as the scientific panel has urged."

"Conversely," said the retirees, "if Yellowstone adopts a winter use plan at odds with the report's recommendations, the report's impact and ultimate value to the national parks is likely to be hobbled from the outset."

The Coalition of National Park Service Retirees has long objected to substantial numbers of snowmobiles in Yellowstone because of noise and air pollution. But now the coalition is tying its objections to the science report published August 24, *Revisiting Leopold: Resource Stewardship in the National Parks*.

The retirees were given an opportunity to make the new argument when the Park Service September 4 reopened a comment period on a proposed

June 29 regulation. The retirees and environmentalists had argued the agency did not provide crucial scientific studies when it proposed the plan. The studies were not provided until after the plan/EIS was proposed.

On the same September 4 date NPS formally proposed a regulation to extend the existing snowmobile rule through this winter, which the park was already on track to do. But this provides a discrete rule to do it.

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

In its proposed permanent plan/EIS, scheduled to go into effect the winter of 2014-2015, the Park Service would base snowmobile use in Yellowstone on "events" of up to 110 per day. The events would be divided up among snowmobiles, snowcoaches, commercial guides and noncommercial guides.

The park said it would define an event as one snowcoach visit or seven snowmobile visits. But the retirees said the draft EIS did not explain how it came up with that formula.

That also riled the Greater Yellowstone Coalition environmental group. "In its proposed plan, Yellowstone has arbitrarily decided a transportation event equals either one snowcoach or seven snowmobiles, but the park's plan offers scant rationale for this equivalence," said the coalition. "It's a questionable equivalence when many snowcoaches - each carrying a dozen people - are cleaner and quieter than just one snowmobile. On a per visitor basis, snowcoach access is vastly less impacting, and more affordable to boot."

Unlike the Park Service retirees, Wyoming Gov. Matt Mead (R) praised the Yellowstone proposal.

He said in a letter to Yellowstone

Superintendent Daniel Wenk, "Alternative 4 best advances the purposes of the Act and is the optimum choice for managing over-snow vehicle use in Yellowstone. This Alternative balances protection of Park resources and public access to Yellowstone. I support Alternative 4. . ."

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

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

Talks to head off sequester begun; wishful thinking?

No matter the outcome of the November 6 elections, a lame-duck Congress (and possibly a lame-duck President) will face one of the most threatening budget crises ever.

Congress and the administration must reach agreement on a long-term budget agreement, or watch the automatic imposition of huge, across-the-board budget cuts, called a sequester. And huge across-the-board tax increases.

However, if Congress can't strike a long-term deal, it may choose a third way and defer the problem for a few months to let a new Congress and a fresh administration deal with it.

House and Senate budget committee leaders and staff members have already begun negotiating to develop a strategy to come up with lesser budget cuts combined with tax reform.

Taking the lead are eight senators including Senate Budget Committee

Chairman Kent Conrad (D-N.D.) and Sen. Lamar Alexander (R-Tenn.) They are reportedly following the lead of a Simpson-Bowles report of December 2010 that called for a package of budget freezes and tax reform.

However, the Simpson-Bowles recommendations by themselves were rejected by the House March 28 by a huge 382-38 vote. So the group of eight senators is reportedly attempting to come up with a set of graduated, downstream deadlines for Congress and an administration to phase in taxes and budget cuts.

Failing that, Sens. John McCain (R-Ariz.) and Carl Levin (D-Mich.) are reportedly working on a simple delay of the sequester.

The sequester was kicked off on Aug. 2, 2011, when Congress and the Obama administration struck a grand budget agreement (PL 112-25). It first established a Congressional budget super committee that was supposed to put together long-term recommendations by Nov. 23, 2011. But the Congressional committee with six House members and six senators failed to agree. The committee was cochaired by Sen. Patty Murray (D-Wash.) and Rep. Jeb Hensarling (R-Texas).

Once the Congressional committee failed under PL 112-25 it triggered Jan. 2, 2013, sequestrations. Those sequestrations call for a reduction of \$1.2 trillion in spending over nine years, beginning with \$100 billion in indiscriminate cuts in fiscal 2013.

Simpson-Bowles: This committee, chaired by former Sen. Alan Simpson (R-Wyo.) and former Clinton Administration Chief of Staff Erskine Bowles, completed a major report in December 2010 that recommended flat budgets combined with some taxes. Most specifically for recreation the commission recommended a 15 cents per gallon gasoline tax increase that would generate some \$15 billion per year for surface transportation programs. (See *related article page WHAT.*)

The sequester: As we reported in

the September 21 issue of *FPR* the Office of Management and Budget (OMB) has prepared a report projecting exactly what the January 2 sequester would do to individual programs. For most it would cause an 8.2 percent cut in fiscal 2013.

For instance, OMB said that if sequestration happens, the Park Service would have \$218 million less to spend in fiscal 2013 than in fiscal 2012. The Land and Water Conservation Fund alone would be reduced by \$26 million.

OMB issued its 394-page estimate of the impacts of the budget sequestration September 14. The report is available at: http://www.whitehouse.gov/omb/legislative_reports.

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.

Senators talk seriously of new WRDA bill; Everglades?

Fresh from successfully persuading Congress to approve a two-year surface transportation bill, Senate leaders from both parties are beginning to talk up a major water resources bill for later this year. Whether major Everglades restoration projects are included remains to be seen.

At this point Senate Environment and Public Works Chair Barbara Boxer (D-Calif.) and ranking Republican James Inhofe (Okla.) aren't talking specifics. But they did say just before Congress adjourned/recessed in September they are going to try to write a Water Resources Development Act (WRDA) by the end of the year.

At a hearing to lay the foundation for constructing a bill Boxer said, "Later this year, I hope to move forward with a Water Resources Development Act. I have already been working closely with Sen. Inhofe and look forward to working with my colleagues on both sides of the aisle to advance a bill."

Said Inhofe, "WRDA should be passed on a regular basis. Unfortunately, the last WRDA bill was enacted in November 2007 - almost five years ago. At that time, we came together with the House to override a presidential veto because we recognized the significance of this legislation."

The major national policy thrust in the Everglades has been a multi-billion-dollar Comprehensive Everglades Restoration Project (CERP). Congress authorized CERP in 2000 in a previous WRDA law.

Under it the Corps of Engineers, the State of Florida and Interior Department agencies are charged with carrying out major projects to restore the Everglades by constructing reservoirs and in general replumbing south Florida. However, Congress must still authorize and appropriate money for the individual CERP projects.

Separate from CERP, the Department of Interior and Department of Agriculture are moving to protect lands north of the Everglades that supply water to the park. The Department of Agriculture has promised to spend \$189 million to restore land by acquiring wetlands. The department intends to use Wetlands Reserve Program money to acquire the 50,000 acres.

In a related action the Fish and Wildlife Service January 18 formally designated a new wildlife refuge in central Florida to help protect Everglades National Park. When the refuge is fleshed out it will total 150,000 acres.

The refuge is to be made up of 100,000 acres of easements and 50,000 acres of acquired land. It will be located in the Kissimmee River Valley and include grasslands and longleaf pine savanna. The Interior Department first proposed the idea in January 2011 and has held several field hearings since. Congress would have to approve the \$700 million needed to acquire land for the refuge.

More generally the Obama administration secured \$142 million from

Congress for Everglades restoration in a fiscal year 2012 spending law (PL 112-74 of December 23).

However, Congress did not give the Obama administration all the money it wanted in the fiscal 2012 spending bill. Said a House-Senate conference report, "The conferees are aware that the budget request includes new funding for a number of regional restoration initiatives, including the Chesapeake Bay, Gulf Coast, Bay Delta, and the Everglades. Due to funding limitations, the conferees are not able to include new funding for these initiatives. . ."

Notes

Santa Fe forest ORV plan set.

With minor tinkering the Santa Fe National Forest October 5 upheld a travel management plan that, depending on your perspective, will authorize too many or too few miles for off-road vehicle (ORV) use. The forest rejected 25 appeals from both environmentalists who said the plan authorized too many miles and ORV users who said the plan authorized too few miles. The plan leaves open more than 2,200 miles of road for ORVs. Said Andy Laurenzi, Southwest field representative at Archaeology Southwest, "The breadth and extent of cultural resources found on the Santa Fe National Forest rival those found on any national forest in the Southwest. We appreciate the Forest Service's consideration of some of the issues we raised regarding protection of cultural resources. But too many road miles remain open that provide easy access to sensitive archaeological sites that have been and will continue to be vandalized." But Mark Werkmeister on behalf of the New Mexico Off Highway Vehicle Alliance said, "Most people have no idea how much of the Forest is lost with this decision or how much it will affect them. For example, the decision bans ALL car-camping along Forest Road 376, even on the side of the road opposite the river. That's the most popular camping area in the whole Forest." The decision and EIS are at: http://www.fs.usda.gov/detail/santafe/landmanagement/projects/?cid=FSBDEV7_021065.

Debaters don't mention outdoors.

In their debate October 16 President Obama and Republican nominee Mitt Romney didn't mention outdoor policy. As close as they came was a disagreement over who would more aggressively develop energy resources on the public lands. Hunting and fishing groups for the last decade have pushed back against attempts to open some of their favored backcountry areas to such energy development. But at the debate no one mentioned parks, recreation, the outdoors, hunting, fishing, climate change or the oceans. In re the oceans the Blue Frontier Campaign, an oceans advocacy group, said, "In Tuesday night's debate America's environment and climate crisis went unnoted as did our largest wilderness frontier and a major driver of our economy, our public seas. America's ocean waters that provide recreation, transportation, trade, energy, protein and security were mentioned only in the context of offshore drilling."

Yellowstone ponders cell tower.

Yellowstone National Park is reviewing an application for a 100-foot tall cell phone tower in the Lake and Fishing Bridge areas of the park. Under the park's wireless communications plan the site is the only one where a new cell tower is permitted. NPS said it erected a crane and sent up weather balloons to test nearby sight lines. It concluded that the tower, proposed by Verizon Wireless, would not be visible from Lake Hotel, Fishing Bridge and Lake Lodge historic districts. In the past the environmental group Public Employees for Environmental Responsibility has criticized new cell towers in Yellowstone. PEER says there are already five cell towers in the park. More info is available at: <http://parkplanning.nps.gov/LakeCellularSite>.

Salazar designates landmarks.

Secretary of Interior Ken Salazar October 17 designated 26 new national historic landmarks and one national natural landmark. The designations bring to 2,527 the number of historic landmarks in the country and 592 the number of natural landmarks. Salazar designated as a natural landmark the Big Spring Creek in Saguache County,

Colo. The designations don't affect ownership of the sites, but do make the sites eligible for consultation with the Park Service. Nominations are forwarded to the secretary by the National Park System Advisory Board. More information on the designations is available at <http://www.nps.gov/nhl>.

Vilsack tries to boost CRP.

With new additions to the Department of Agriculture's Conservation Reserve Program (CRP) barred because Congress has not passed a 2012 Farm Bill, Secretary of Agriculture Tom Vilsack is trying to make do with what he has. And what he has is a prior commitment to dedicate one million acres of grasslands, wetlands and wildlife habitat to the CRP. So on October 8 he announced the allocation of 400,000 of those acres, with 280,000 acres for such general kinds of lands as prairie, wetlands, forest and savanna and 100,000 acres to protect a number of species. Vilsack urged Congress to get moving on a Farm Bill so more lands could be added to the CRP. "That's why it's important for Congress to pass comprehensive, multi-year food, farm and jobs legislation - so that America's rural communities have certainty that millions of acres of conservation lands will be there tomorrow to sustain and create jobs in the small businesses that reinforce our tourism and recreation industry," he said. Congress failed to pass either a long-term Farm Bill or a short-term extension of the last law before adjourning/recessing September 21 for the November 6 elections. The Senate approved a Farm Bill (S 3240) June 21 that would extend most farm programs for five years, but would eliminate and trim some conservation programs. The House Agriculture Committee approved a counterpart bill (HR 6083) July 12 that would extend most farm programs for five years, but would make even deeper cuts in conservation spending than the Senate. However, House leaders have been unable to muster the votes to bring HR 6803 to the floor.

NPS's Bill Line dies.

Long-time Park Service regional spokesman William Line died October 7 in Washington, D.C., at 56 years old. D.C. police said Line committed suicide with a knife. After

stints with NBC as a producer and assignment editor and Fox News as a news producer he joined the Park Service in 2001 as the very visible spokesman for the National Capitol Region.

Mount Rushmore goes with EA.

Mount Rushmore National Memorial will not prepare an EIS for an upcoming general management plan, the Park Service said October 15. Instead, it will just prepare a lesser environmental assessment (EA). NPS said the public expressed no concerns about impacts during a scoping period for the general management plan. So the agency will just prepare an EA and look at two alternatives - no action and preferred. Among the issues the management plan will address are relocation of emergency operations, conversion of a parking lot to a day use area, improvement of trails and a redesign of concessions dining. Mount Rushmore said it intends to publish a draft EA this fall.

Spenders cool to FS restoration.

House and Senate Appropriations Committees have thus far rejected a signature Obama administration recommendation to consolidate National Forest Service restoration programs in one place. The service's fiscal 2013 budget calls for an Integrated Resource Restoration (IRR) program at \$793 million. Instead the committee would assign allocations to individual programs as usual. Those programs include Forest Products, Vegetation and Watershed Management, Wildlife and Fish Habitat Management, Hazardous Fuels and Legacy Roads. At budget hearings this spring House and Senate members from both political parties effectively said they were not ready to pay for a program that had not proved itself. The Forest Service, which is not in position to criticize Congress, responded to our questions on the possible impact of no appropriation for a full-blown IRR. The agency said in a statement, "The Forest Service would not be able to realize full efficiencies described under IRR in fiscal year 2013 budget justification." The House committee in its fiscal 2012 budget approved \$146 million for a pilot program. For fiscal 2013 the House committee said it "will continue the

proof of concept pilot established in the fiscal year 2012 Interior (bill.)"

Fires taking over FS budget.

Congress is on track to spend a stunning \$3.5 billion-plus for fire fighting during this fiscal year, counting emergency money Congress just put into a half-year spending bill. While \$423 million of that \$3.5 billion is actually payback for fire-fighting expenditures in fiscal 2012, Congress nevertheless will be making huge allocations, all within the 12 months of fiscal 2013. For the Forest Service alone fire-fighting costs will almost certainly exceed \$2.7 billion in fiscal 2013, or in excess of \$1 billion more than Congress will put out in total for all National Forest System programs. By comparison in fiscal 2012 Congress appropriated \$281 million for the Forest Service recreation program. Reasons for the jump in fire-fighting costs abound. Western Republicans blame environmentalists and such laws as the Endangered Species Act for preventing forest-thinning activities that might slow or prevent fires. But environmentalists counter that forest fires are a natural phenomenon of nature and that manipulated forests actually contribute to forest fires. Congress began to address fire spending in earnest last month when it approved a continuing resolution that provides appropriations for the first half of fiscal 2013 (PL 112-175 of September 28). The law contains \$400 million to repay the Forest Service for money borrowed from other programs to fight fires and \$23 million to repay Interior Department agencies for borrowed money. In addition PL 112-175 contains regular fire-fighting money for fiscal 2012 from now through March based on a fiscal 2012 full-year appropriation of \$2.6 billion.

Rehberg rings monument alarm.

Rep. Dennis Rehberg (R-Mont.), despite assurances from Secretary of Interior Ken Salazar, said earlier this month he fears President Obama will designate national monuments in Montana. So Rehberg, who is in a tight race for the Senate with the incumbent Jon Tester (D-Mont.), wrote the President October 5 asking for a guarantee that the administration would not designate any

national monuments from federal lands in the state. Rehberg offered as proof that the administration is contemplating new national monuments in Montana public meetings the administration has held in association with its national recreation program called the America's Great Outdoors Initiative. "The Administration's empty promises may be good enough for some in Congress," said Rehberg. "But we've been here before, and they're not good enough for me." Rehberg criticized Tester for introducing a comprehensive wildlife bill (S 3525) that does not include a provision requiring the approval of a governor and legislature before a national monument designation could be effective. The existing monument law, the Antiquities Act of 1906, gives a President authority to designate monuments from federal lands on his own volition. The House approved a bill (HR 4089) supported by Rehberg that would require approval of a governor and legislature. The Tester wildlife bill is due for a Senate floor vote on November 13 after the election.

Boxscore of Legislation

APPROPRIATIONS FISCAL 2013 (Interior)

HR 6091 (Simpson), HJ Res 117 (Rogers). Congressional leaders agreed to base funding for all appropriations bills during the first half of fiscal 2013 on an August 2011 budget agreement. President Obama signed the six-month bill into law September 28 as PL 112-75. The House Appropriation Committee approved HR 6091 June 28 based on a much smaller allocation. Leaders of the Senate subcommittee on Interior posted a draft bill September 25 more generous than the House bill.

Appropriations FY 2013 (Energy, Water)

HR 5325 (Frelinghuysen), S 2465 (Feinstein), HJ Res 117 (Rogers). Congressional leaders agreed to base funding for all appropriations bills during the first half of fiscal 2013 on an August 2011 budget agreement. President Obama signed the six-month bill into law September 28 as PL 112-75. House approved full-year bill June 6. Senate committee approved April 26.

Appropriations FY 2013 (Transportation)

HR 5972 (Latham), (S 2322 (Murray),

HJ Res 117 (Rogers). Congressional leaders agreed to base funding for all appropriations bills during the first half of fiscal 2013 on an August 2011 budget agreement. President Obama signed the six-month bill into law September 28 as PL 112-75. Senate committee approved full-year bill April 19; House committee June 19.

Appropriations FY 2013 (Agriculture)

HR 5973 (Kingston), (S 2375 (Kohl) HJ Res 117 (Rogers). Congressional leaders agreed to base funding for all appropriations bills during the first half of fiscal 2013 on an August 2011 budget agreement. President Obama signed the six-month bill into law September 28 as PL 112-75. Senate committee approved full-year bill April 26; House committee June 19.

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.