

# Federal Parks & Recreation

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## **Sequestration deal not done yet, impact is assessed**

Congress and the White House failed to reach a budget sequestration agreement by press time today (December 14), an informal deadline agreed to by both sides.

But President Obama and Speaker of the House John Boehner (R-Ohio) said they would continue to negotiate next week, right up until the Christmas holiday.

They are of course facing a much more serious January 3 deadline when the budget sequestration law would kick in and slash spending for all federal agencies by 8.2 percent. To say nothing of increased taxes and reduced Department of Defense spending.

Federal land management agencies are not tipping their hands on their sequestration plans. They are referring all questions to the Office of Management and Budget (OMB).

And OMB told us this week that it is right now trying to assess precisely the impact of sequestration if it is triggered in the light of two factors: (1) a September administration report projecting the 8.2 percent reductions and (2) a subsequent six-month fiscal year 2013 appropriations law (PL 112-75 of September 28) in the form of a continuing resolution (CR).

"In light of the CR and other updates since September, OMB has asked agencies for additional information and analysis needed to update the estimates in the (September) report and finalize calculations of the spending reductions that would be required," an OMB official said on background. "The request was of a technical nature, for example, we requested the sequestrable federal

administrative expenses in otherwise exempt mandatory accounts.”

The White House itself has acknowledged that the feds are gearing up for a January 3 sequestration, in the event it happens. At a December 5 press briefing White House Press Secretary Jay Carney said OMB has asked all federal agencies to finalize their spending estimates if spending reductions are imposed.

Said Carney, “OMB is simply ensuring that the administration is prepared, should it become necessary to issue such an order. OMB will continue to consult with agencies and will provide additional guidance as needed. This is just acting responsibly because of the potential for this happening.”

OMB earlier in the September 14 report laid out the anticipated total spending reductions anticipated for each federal agency. For most agencies and programs OMB projected an 8.2 percent cut in fiscal year 2013.

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.

The Forest Service would be hit even harder with cuts of \$172 million for wildland fires, \$129 million for the National Forest System, and \$34 million for Capital Improvement and Maintenance.

The OMB report is available at: [http://www.whitehouse.gov/sites/default/files/omb/assets/legislative\\_reports/stareport.pdf](http://www.whitehouse.gov/sites/default/files/omb/assets/legislative_reports/stareport.pdf).

There have been a few other newsworthy developments on the sequestration front:

**\* Gasoline tax increases:** The top two House Transportation Committee leaders have left open a possible increase in the gasoline tax as part of the sequestration negotiations.

Incoming House Transportation

Committee Chairman Bill Shuster (R-Pa.) told the press last month, “You’ve got to look at all your options out there. Is it something difficult? Sure. But I think it’s one of those things we need to look at while running through these negotiations.”

Ranking committee Democrat Nick Joe Rahall (W.Va.) concurred. “The fact that we both understand the need to keep all funding options on the table is a reasonable and promising beginning to get America up to speed again with a long term transportation authorization bill,” he said in a press release.

The Simpson-Bowles budget recommendations of December 2010 recommended a 15-cent per gallon increase in the gasoline tax, phased in over three years. That would in turn make more money available for transportation-related recreation programs.

For some budget analysts, particularly centrist Senators, the report from former Sen. Alan Simpson (R-Wyo.) and former Clinton Administration Chief of Staff Erskine Bowles forms a good base for sequestration negotiations.

If the White House and Congress opt to increase the gas tax, supporters of federal land management agencies suggest they allocate one cent of a possible 15-cent increase (or add an extra penny to bring it to a 16-cent increase) for national park and federal land roads. However, the money would not be available for other recreation programs, such as transportation enhancements and Safe Routes to Schools, as the groups see it.

**\* Federal land sales:** The Republican leadership is being prodded by the heads of the Congressional Western Caucus – past chairman Rep. Rob Bishop (R-Utah) and incoming chairman Rep. Stevan Pearce (R-N.M.) – to sell off unspecified public lands.

“(D)ivesting the federal government of its vast land holdings could pay down the deficit and reduce spending,” they wrote in a November 27

letter to House leaders. "Strategically transferring ownership of these lands where it makes sense would reduce duplicative land management costs, boost revenues through the resultant economic activity of more productive and local land management, and is consistent with the principles of federalism our founding fathers envisioned."

Interest groups such as the Outdoor Industry Association (OIA) on December 4 rebelled against the sale of public lands.

"Public lands should not be a bargaining chip in deficit negotiations," said Frank Hugelmeyer, president and CEO of OIA. "Our nation's public lands attract millions of people from the U.S. and around the world who spend their hard-earned dollars on outdoor products and travel."

**\* White House on NPS Centennial:**

As *FPR* reports on page 8 of this issue White House staff members at a recent briefing to the nation's business leaders gave national parks special attention. The White House staffers, led by chief of staff Jacob Lew, told the leaders that closure of national parks would anger the general public.

But they said the parks couldn't be exempted from budget cuts if all other government programs are suffering eight percent reductions.

**Farm bill:** House and Senate members with a stake in a major farm bill are encouraging their peers to include a new Farm Bill in legislation to resolve the big budget impasse, if such legislation is developed. The Senate has passed a Farm Bill; the House has not. (See separate article page 13.)

Sen. John Hoeven (R-N.D.) said on the Senate floor December 6, "The farm bill version we passed with broad bipartisan support in the Senate would save \$23 billion over 10 years. The House version, which has been passed out of committee and is now pending on the floor, would save \$35 billion. Passing a good farm bill can be part of the solution for the fiscal cliff."

## Rep. Grijalva backed as next DoI boss, if Salazar leaves

If Secretary of Interior Ken Salazar resigns soon - and a lot of people anticipate that he will, then a broad coalition of interest groups recommend that Rep. Raúl Grijalva (D-Ariz.) replace him.

Grijalva is a particularly strong advocate of wild land protections as well as a sharp-tongued critic of commercial users of the public lands. He was a lead candidate for the job four years ago.

Said the coalition that included conservationists, recreationists, labor, Hispanics and more in a letter to President Obama, "The over 200 groups signed below, with our combined membership of many millions of individuals, request that you nominate Congressman Raúl Grijalva as the 51st Secretary of the Interior for your second term."

The coalition added, "As ranking member and former chairman of the House Subcommittee on National Parks, Forests and Public Lands, Congressman Grijalva has been a tireless and effective leader on conservation and land management issues faced by the Department of the Interior. Congressman Grijalva has unparalleled expertise with Native Americans and Indian tribes, a strong understanding of border issues, a well-established and pragmatic conservation ethic, and valuable experience with a wide variety of funding challenges."

Carole King, the famous musician who is a spokesperson for the Alliance for the Wild Rockies, said,

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## Holiday Publishing Schedule

*Federal Parks & Recreation* will not be published over the holidays so that we may take a brief vacation. The next issue of *Federal Parks & Recreation*, Volume 31 Number 1, will be published January 11, 2012. If news breaks over the holidays, we will E-mail you a Breaking News Bulletin.

"President Obama is a very smart man who was elected by a broad coalition to accomplish great things. If he nominates Congressman Raúl Grijalva as the next secretary of the interior, he will be choosing a highly qualified, experienced leader who will help him protect America's public lands, address climate change, and ensure a sustainable economy for future generations."

But off-highway vehicle advocates such as the BlueRibbon Coalition (BRC) blasted the recommendation. "The appointment of Grijalva to lead the Interior Department would be a step in the wrong direction, and would only further the political divide that currently exists between some land managers and western public lands states," said Brian Hawthorne, BRC's public lands policy director.

The pro-Grijalva coalition is almost as notable for the conservation groups that did NOT sign the letter as those that did. Not on the endorsement list, for now, were the National Parks Conservation Association, the Sierra Club, The Wilderness Society, the Theodore Roosevelt Conservation Partnership and the Outdoor Industry Association.

Among the signing groups was the Center for Biological Diversity, Friends of the Earth, Public Employees for Environmental Responsibility, River Runners for Wilderness and Rocky Mountain Wild.

Again, Salazar has not yet said if he will step down. The inside-the-beltway rumor mill has him both leaving his post shortly and, oppositely, staying on in that post next year.

Salazar has for the most part closely followed the Obama Administration message that calls for protection of the resource first and development of the resource second. He did get in trouble in 2010 when the Deepwater Horizon spill dumped billions of barrels of oil in the Gulf.

Former Colorado Gov. Bill Ritter (D) has also been mentioned as a possible successor to Salazar.

## **Wildlife bill collapse shocks sportsmen; still some hope**

Conservation groups are stunned that the Senate last month blocked consideration of a popular omnibus wildlife bill (S 3525).

And they are encouraging the Senate to overcome stalling tactics and move the bill in these last few hours of a lame-duck Congressional session.

"The Sportsmen's Act is one of the most significant pieces of legislation this generation for hunters and anglers, for conservation and for responsive natural resource management," said Whit Fosburgh, president of the Theodore Roosevelt Conservation Partnership (TRCP). "Sportsmen have joined in supporting this bill since its introduction, and we now unite in urging Congress to expedite its passage into law before the end of the lame duck session."

TRCP Director of Government Affairs Vaughn Collins expressed surprise at the 50-to-44 vote that blocked the bill on November 26 on a budget point-of-order. Sixty votes were needed to overcome the point-of-order.

"We remain enormously frustrated, however, by the Senate's failure to advance the Sportsmen's Act, despite its popularity among citizens as well as widespread support within the Senate," said Vaughn Collins, "and we frankly are still in shock over last Monday's procedural vote, . . ."

Although Republican senators cast 43 of the 44 no votes, one very prominent Democrat, Sen. Barbara Boxer (Calif.), joined them. She matters because she chairs the Senate Environment and Public Works Committee, which shares jurisdiction over many of the 19 bills that make up S 3525.

The Republican complaint, advanced by Sen. Jeff Sessions (R-Ala.), ranking minority member on the Senate Budget Committee, is that the bill would authorize more than \$140 million in direct spending over the next ten years

without any budget offsets.

Boxer objected to a provision that would prevent EPA from limiting the use of lead in ammunition and fishing tackle. Even if enacted the provision may have proved moot because EPA says it doesn't have authority to regulate lead in ammunition and fishing tackle.

At any rate the Center for Biological Diversity has mounted a major campaign against the lead provision, running radio and newspaper ads in Nevada to persuade Senate Majority Leader Harry Reid (D-Nev.) to drop it.

"Sen. Reid can and should stop this lethal legislation dead in its tracks," said Rob Mrowka, an ecologist in the center's Nevada office. "Lead ammo endangers hunters and their families, as well as bald eagles and other wildlife. The public is counting on Senator Reid to do the right thing. We know he can."

Despite their budget problems, Sessions and the Republicans generally praised the substance of the bill and raised the possibility the Senate would still pass it.

The omnibus bill includes 19 individual bills, including one that would allocate at least 1.5 percent of federal Land and Water Conservation Fund (LWCF) money to provide access to federal lands for hunting and fishing.

Another provision would extend and expand a federal land sale law called the Federal Land Transaction Facilitation Act (FLTFA). That program, which expired in 2011, authorized the sale of excess Bureau of Land Management (BLM) and Forest Service lands and used the proceeds to acquire conservation lands.

If the Senate does pass S 3525, it would go to the House with barely hours left before this Congress is scheduled to end. And the two sides are far apart.

The House approved a quite different package of sportsmen's legislation (HR 4089) April 17 that

would declare all public lands open to hunting and fishing, unless specifically closed. That measure includes a number of other provisions that the Senate is sure to reject, such as limitations on national monument designation.

The chief sponsor of the Senate bill, Sen. Jon Tester (D-Mont.), said of his bill on the Senate floor, "These bills increase access for recreational hunting and fishing. They support land and species conservation, and they protect our hunting and fishing rights."

Conservationists, but not environmentalists, praised the initiative. "The Sportsmen's Act of 2012 represents a balanced and cost-effective approach to addressing both conservation and sportsmen's issues," said Bob Bendick, director of government relations for The Nature Conservancy.

Reid had hoped to hold a final vote on the broad wildlife bill in September before the Senate adjourned/recessed for the November 6 elections. But he was only able to secure a vote to end a filibuster against the bill and to set up the formal debate in November.

Reid scheduled Senate action on S 3525 as a favor to Tester who was in a tight reelection battle with Rep. Denny Rehberg (R-Mont.) Tester won the contest and Rehberg was replaced in the House by Steve Daines (R-Mont.)

Here are some of the provisions in the bill and a possible amendment:

**LWCF allocation provision:** Tester would use "not less than" 1.5 percent of federal LWCF money to provide access to public lands for hunting and fishing. The bill directs the Interior Department and the Forest Service to establish a priority list of sites that have "significantly restricted access for hunting, fishing, and other recreational purposes through rights-of-way or acquisition of land from willing sellers." Tester has introduced the provision as a stand-alone bill (S 901).

**Lead sporting equipment provision:** Tester would bar the EPA from issuing regulations that would forbid the use of lead for fishing tackle and ammunition

for hunting non-waterfowl species. Lead shot is already barred nationwide for use in hunting waterfowl.

The provision may not have much impact because EPA already rejected in March an environmentalist petition to ban lead shot for fishing tackle and ammo for hunting non-waterfowl species. EPA said it does not have authority under the Toxic Substances Control Act to regulate lead gear.

**FLTFA provision:** This is popular with both sides of the aisle. Tester would authorize the sale of excess public land, often to developers, with the revenues used to acquire conservation lands. However, the law expired in 2011 and Congress has been unable to move legislation to extend it.

The Tester bill would authorize FLTFA through fiscal 2022. And it would include an important change by making lands eligible for sale that were cleared for disposal by land use plans completed *after* 2000. The old law only allowed the sale of lands cleared by plans completed *prior* to 2000.

The House subcommittee on National Parks, Forest and Public Lands held a hearing May 17 on a lead House bill (HR 3365) introduced by Rep. Cynthia Lummis (R-Wyo.) The Senate Energy Committee on Sept. 6, 2011, approved a lead Senate bill (S 714) introduced by committee chairman Jeff Bingaman (D-N.M.)

**Major hunting amendment:** Not in the bill, but Sen. Lisa Murkowski (R-Alaska) has proposed this amendment to S 3525. Its most important provision would open BLM and Forest Service lands to hunting and fishing unless the lands were specifically closed to those uses. The amendment would exempt in general national parks and wildlife refuges. No vote has been held yet on the Murkowski amendment.

## **Fed agencies would receive big bucks from Sandy bill**

The Obama administration asked Congress December 7 for \$430.4 million to repair damage incurred by Interior

Department agencies and the Forest Service in Hurricane Sandy.

In addition the administration requested \$1.5 billion for the Corps of Engineers to restore federal and nonfederal facilities along the mid-Atlantic Coast.

Finally, to avert future catastrophes in the area the administration asked for \$400 million for the Fish and Wildlife Service (with NPS also eligible to use the funds) and \$3.8 billion for the Corps of Engineers.

The Senate Appropriations Committee December 12 put the \$60.4 billion administration request into the form of legislation. The committee has not yet announced a mark-up date. The bill is available at [appropriations.senate.gov](http://appropriations.senate.gov).

The big question now is will Congressional Republicans provide the total \$60.4 billion in disaster money as an emergency appropriation with no offsets required? House Republican leaders have said in the past that they would from now on require offsets from existing programs to pay for at least some of the costs of disasters.

The administration disagreed and said that emergency money should be provided without offsets. Said Deputy Office of Management and Budget Director Jeffrey Zients in a letter to the Hill, "An emergency designation pursuant to (a 1985 budget law) is not subject to the discretionary caps specified in the statute. Accordingly, this emergency funding can and should be provided without offset."

Appropriators have begun to assess the administration's request but with only hours left in a lame-duck session final action may have to wait until the next Congress. And the next Congress may well be distracted by the giant budget sequestration crisis.

For now House Appropriations Committee Chairman Hal Rogers (R-Ky.) is trying to have it both ways - addressing an emergency appropriations bill but keeping a sharp eye on waste.

"My Committee will consider the White House request for recovery assistance very thoroughly, with an eye toward prioritizing urgently needed recovery efforts that will have the most benefit to the victims of this storm, and determining the federal role in these efforts," he said. "It is our intent to responsibly provide federal assistance as necessary to ensure that victims and communities can recover, rebuild, and regain normalcy in their daily lives."

Area Congressional leaders from New York and New Jersey want the money now in the lame-duck session, perhaps as part of budget sequestration legislation. But given the size of the price tag Congress will be tempted to mete out the money gradually with emergency needs met first.

Govs. Andrew M. Cuomo (D-N.Y.) and Chris Christie (R-N.J.) put out a joint cryptic statement thanking the administration for the request.

The budget request is available at: [http://www.whitehouse.gov/sites/default/files/supplemental\\_december\\_7\\_2012\\_hurricane\\_sandy\\_funding\\_needs.pdf.pdf](http://www.whitehouse.gov/sites/default/files/supplemental_december_7_2012_hurricane_sandy_funding_needs.pdf.pdf).

Hurricane Sandy, the second largest storm ever in the Atlantic Ocean after Hurricane Katrina in 2005, put coastal New York, New Jersey and Connecticut in its bull's-eye October 29, 30 and 31. It also struck the mid-Atlantic states a lesser blow. Some 70 units in the National Park System were damaged. The 15 units in the metropolitan New York area were hit hardest.

Meanwhile, NPS is beginning to make decisions about openings and closures. For instance NPS said that two landmark units - Statue of Liberty National Monument and Ellis Island National Monument - will not reopen this year.

The Park Service said that the following sites were open: African Burial Ground National Monument, Federal Hall National Memorial, General Grant National Memorial, Hamilton Grange National Historic Site, St. Paul's

Church National Historic Site, Theodore Roosevelt Birthplace National Historic Site, Sagamore Hill National Historic Site, Morristown National Historic Park (including New Jersey Brigade, Cross Estate, Fort Nonsense, Washington Headquarters Museum and Ford Mansion), Thomas Edison National Historical Park, Hamilton Beach and Frank Charles Park, Great Kills Park and Jamaica Bay Wildlife Refuge.

Here's what the administration's 77-page appropriations request recommended:

**Capital improvements DoI and FS:**

The Park Service would receive \$348 million. While the administration singled out for assistance Liberty Island, Ellis Island, Gateway NRA, and Fire Island units, it also said national parks in Florida, North Carolina and Washington, D.C., should receive help.

National Parks Conservation Association President Tom Kiernan said the NPS money was needed: "While the Statue of Liberty's torch has been rekindled, Lady Liberty, Ellis Island, and Governors Island are still closed to visitors, and it remains unclear whether the beaches of Sandy Hook, Gateway, and Fire Island National Seashore will be open this summer. Unless recovery funds are provided, this could further devastate local economies and communities throughout the northeast region."

The Fish and Wildlife Service would receive \$78 million primarily to repair damage in the E.B. Forsythe National Wildlife Refuge (New Jersey), the Long Island National Wildlife Refuge Complex (New York) and Prime Hook National Wildlife Refuge (Delaware). Once again assistance would be provided to refuges from Florida to Maine.

The Forest Service would receive \$4.4 million to address damage to property, roads and trails at the Grey Towers National Historic Site and in the White Mountain and Monongahela National Forests.

**Historic Preservation:** The Senate draft bill would provide \$50 million for

grants to states "to fund rehabilitation and restoration of historic properties."

**Capital improvements Corps:** The administration requested \$907 million to restore Corps-operated projects and \$592 million for Corps-built projects that are not maintained by the Corps.

**Mitigation/prevention:** To help minimize the damage from future storms the administration requested \$400 million for the Fish and Wildlife Service, with national parks also eligible for assistance from that pot. The Corps would receive \$3.8 billion to reduce flood risk and protect coastal ecosystems.

### **Obama staff stresses NPS value, but not a favored son**

The national parks received special attention at a White House staff briefing last month, but at the same time the staff members said the parks would NOT receive special treatment if a budget sequestration goes into effect.

That is, the White House, led by chief of staff Jacob Lew, told the nation's business leaders that closure of parks would anger the general public. Still, he said the parks shouldn't be exempted while all other government programs suffered an eight percent across-the-board budget cut.

"What the White House was saying," said Derrick Crandall, president of the American Recreation Coalition who attended the late November meeting, "is that closure of the parks is a really good illustration of the impact of across-the-board cuts. But it was clear they did not want to see popular program such as parks exempted and the reductions centered on all other programs."

The White House Business Council hosted the briefing of business groups to drum up support for the Obama administration position in the ongoing negotiations-by-headline over the looming January 3 budget sequestration. Unless an agreement is reached to head off the sequestration or Congress kicks

the dispute down the road in the next week, the 8.2 percent across-the-board budget cuts will go into effect.

Among the outdoor industry heads at the White House briefing were Crandall, who wears a second hat as counselor to the National Park Hospitality Association, and representatives of the National Tour Association and the National Marine Manufacturers Association.

At the session Lew and other White House officials, without prompting, described the closure of the national parks as a major negative effect of a budget sequestration. And an effect that would damage the White House and Congressional budget negotiators.

Said Crandall, "I was astounded that the senior White House assistants and corporate officials talked disproportionately about the national parks. Even before I brought up the subject they had mentioned them two or three times. After I spoke they mentioned them a dozen times. I was not aware of the concern about the parks."

The Coalition of National Park Service Retirees is particularly concerned about the imposition of an 8.2 percent sequestration on that national parks. The coalition said in a statement December 12 the sequestration "likely would result in the termination of thousands of seasonal park rangers and force the shutdown of some national parks."

"Additionally," said the retirees, "there would be closures of campgrounds, visitor centers, termination of educational programs for schools, reduced maintenance and repair of buildings, roads and trails, reduced snow plowing, termination of invasive weed management programs, no backcountry patrols or ability to perform search and rescue operations and unpaid furloughs for permanent rangers and other staff as just a few examples of what these cuts will mean."

The concern from the White House, business leaders and NPS retirees may not count for much in the upcoming



sequestration battle because the White House refuses to play favorites. But it may manifest itself more in future appropriations wars by making sure that, at a minimum, all parks are kept open and in good order.

The White House briefing is coincident with an ongoing national campaign to restore and improve the National Park System in anticipation of its Centennial in 2016. Those initiatives begin with a Park Service plan for the Centennial titled *A Call to Action*. It was published on Aug. 25, 2011. In it the Park Service described a laundry list of low-cost actions to improve the national parks.

*A Call to Action* plays down the need for increased appropriations from Congress to upgrade the parks for the Centennial, but it does recommend the establishment of an endowment, with an emphasis on philanthropic contributions.

Working parallel with the Park Service is a summit of interest groups cochaired by the National Parks Foundation, the National Park Hospitality Association and the National Parks Conservation Association.

The summit is cooperating with the Park Service to help spread the agency brand, perhaps through a public relation firm. And it is trying to enlist 300 partner groups in the campaign, among other things.

In a major action the three groups published the results of a national poll August 7 that demonstrates broad and deep support for the National Park System in the country. The poll was pointed very directly at Congress and Congressional support for the parks.

The summit has a website, [www.2016parksummit.org](http://www.2016parksummit.org). And the park partners have a website, <http://www.parkpartners.org>.

## **Omnibus lands bill is hanging on by its fingertips**

Although the 112<sup>th</sup> Congress semi-officially was scheduled to end today,

the House and Senate will probably return for a few days of budget work next week, maintaining the possibility of an omnibus lands bill this year.

With time growing shorter and shorter, the odds that Senate Democratic leaders can assemble and move such a bill dwindle. But Senate Energy Committee Chairman Jeff Bingaman (D-N.M.) clearly would like to move an omnibus bill in his last days as a senator.

Said an aide to Bingaman, "Chairman Bingaman continues to explore the possibility of getting some lands bills done. He's been talking to the leader and other Senate colleagues to see what may be doable. But as you know, lame duck is always a challenging environment."

The same pros and cons of a big lands bill are still in place, as they have been all year. On the pro side such a measure would allow Democrats and Republicans alike to bring home the bacon in the form of newly designated conservation areas, commercially-valuable land exchanges and more.

On the con side conservative Republicans in the Senate who by nature oppose such measures because of their cost are in position to block legislation with filibusters at various points. Senate Majority Leader Harry Reid (D-Nev.), Bingaman and other leaders must weigh the merit of taking valuable floor time to hold votes on filibusters.

To overcome critics it would help Reid and Bingaman if they could find a lead bill that most everyone supports to pull the train. One such measure is an omnibus wildlife bill (S 3525) that failed on the Senate floor November 26 on a point-of-order against the budgetary impacts of the bill. (See related article page 4.)

Also, Democrats may have to make a major concession to western Republicans. One such conciliatory gesture would be to include in a package a bill (HR 4089) that would require federal land managers to cooperate with Border Patrol agents

who operate on federal lands near Mexico and Canada. But environmentalists and their allies would surely object to that.

One bipartisan bill (HR 3397, S 1906) that might help move things would establish a new fee schedule for **cabin owners** on national forest lands. The House approved its bill September 10. On Nov. 18, 2011, Sen. Jon Tester (D-Mont.) introduced a Senate bill and a hearing was held March 22.

Here is a sample of the several dozen bills that might be candidates for an omnibus bill:

**New National parks:** *Delaware National Park* (S 323, HR 624). This bill would incorporate a number of historical sites in Delaware into the first national park in the first state to join the union. The House bill from Rep. John Carney (D-Del.) received a hearing on June 28 in the House subcommittee on National Parks. The Senate bill, introduced by Sen. Thomas Carper (D-Del.), was approved by the Senate Energy Committee January 13 and is awaiting Senate floor action.

*Waco Mammoth National Monument:* (HR 1545, S 849). This bill would protect a site where mammoth remains have been uncovered near Waco, Texas. The House approved HR 1545 from Rep. Bill Flores (R-Texas) as part of a comprehensive jobs bill (HR 2578) on June 20. The Senate Energy Committee held a hearing on S 849 May 11, 2011. Sen. John Cornyn (R-Texas) introduced the Senate bill.

**Heritage areas:** The Senate Energy Committee is showing interest in a score of individual bills that would designate national heritage areas (NHAs). In addition Rep. Charlie Dent (R-Pa.) and 43 cosponsors introduced a national heritage areas bill (HR 4099) February 28 that would establish a system of NHAs and standards for the NHAs.

**FLTFA:** The Senate Energy Committee Sept. 6, 2011, approved a Senate bill (S 714) introduced by committee chairman Jeff Bingaman (D-N.M.) that would reauthorize the Federal Land

Transaction Facilitation Act (FLTFA). Both Democrats and Republicans like the program. It authorizes sale of excess public land, often to developers, with the revenues used to acquire conservation lands. However, the law expired in 2011 and Congress has been unable to move legislation to extend the law.

S 714 would make an important change by making lands cleared for disposal by land use plans completed after 2000 eligible for sale. The previous law only allowed the sale of lands cleared by plans completed prior to 2000.

The House subcommittee on National Parks, Forest and Public Lands held a hearing May 17 on a House bill (HR 3365) introduced by Rep. Cynthia Lummis (R-Wyo.)

**HUNTING:** The House approved this bill (HR 4089) April 17 that would declare federal public lands open to hunting and fishing unless specifically closed. The vote was a strong 274-to-146. The Senate refused to consider a counterpart wildlife bill (9HR 3525) November 26.

More controversial are amendments the House added to HR 4089 that would declare hunting and fishing as "necessary" for the management of wilderness and potential wilderness areas and thus shield consumptive activities in those areas from environmentalist lawsuits; open national monuments to recreational shooting; authorize the import of dead polar bears; exempt hunting and fishing gear from the Toxic Substances Control Act; and require state approval of national monuments designated by a President.

**Wetlands a separate issue:** Private property advocates are also alerting their allies to support legislation (S 2245, HR 4965) that would block Obama administration guidance that would determine when Section 404 wetland damage permits are required.

"Do You Want The EPA and Corps Of Engineers In Your Backyard?," ALRA told its members in the same alert that

criticized omnibus land legislation. "Do you want EPA & Corps Wetlands jurisdiction over all forest roads, Federal lands and adjacent private and State lands?"

### **Point Reyes oyster farmer sues to regain his permit**

The oyster farmer who lost his lease to operate in Point Reyes National Seashore at the end of November has not given up.

The owner, Steve Lunny, filed suit in federal court December 3 charging that the Park Service did not fairly assess the impact of his operation on the seashore.

In the suit filed in the U.S. District Court for the Northern District of California Lunny argues that the Interior Department and the Park Service violated requirements of the National Environmental Policy Act by not providing public notice that an EIS was completed. Instead, said Lunny, Secretary of Interior Ken Salazar issued a record of decision without warning.

"In complete disregard for NEPA's public notice and comment process for FEIS documents, NPS never provided written notice to interested parties that the FEIS had been released; did not public a Notice of Availability for FEIS in the Federal Register' and did not submit the FEIS to (EPA)," the suit says.

Despite the legal attack the Park Service is not without friends. In addition to environmental groups Park Service retirees came to the defense of the decision.

Said Maureen Finnerty, chair of the Coalition of National Park Service Retirees, "This decision is a clear affirmation that decisions within the areas of the National Park System must be based on accurate fidelity to the law, the best available sound science and scholarship, and in the long term public interest. Secretary (of Interior Ken) Salazar has clearly placed resources stewardship ahead of the narrow

commercial interests of the farm's operator. This is a win-win for the American people."

Both sides are playing the popularity card. The Park Service retirees say 92 percent of 52,000-plus public comments favored termination of the lease and wilderness designation.

But Lunny's team circulated an editorial from the *Marin Independent Journal* criticizing the decision of Secretary of Interior Ken Salazar. The newspaper said 80 percent of letters it received backed the oyster farm.

Although the decision was announced November 29 the Park Service didn't publish the announcement in the *Federal Register* until December 4.

In his November 29 decision Salazar rejected an application from the Lunny family for a 10-year extension of its oyster farm permit in Point Reyes. In siding with his allies in the environmental community who oppose the oyster farm, he crossed Sen. Dianne Feinstein (D-Calif.), a powerful California politician who backs the permit.

Feinstein said she was "extremely disappointed" in the decision. She criticized the science NPS used. "The National Park Service's review process has been flawed from the beginning with false and misleading science, which was also used in the Environmental Impact Statement," she said.

The last permit held by the Drakes Bay Oyster Company officially expired November 30. Salazar directed NPS to work with the company to remove all property from the park within 90 days.

Salazar said his decision will effectively designate the 1,000 acres used by the oyster farm as wilderness. Said a department release, "In 1976, Congress identified Drakes Estero as potential wilderness - the only marine wilderness area on the west coast of the continental United States outside Alaska - and directed that it automatically become wilderness when the commercial operation ended."

Feinstein has been at war with the Park Service over the license for the last five years. She has charged NPS used biased science to justify removal of the oyster farm in order to turn the area over to wilderness, as environmentalists recommend.

The most recent Point Reyes oyster farm controversy began Sept. 26, 2011, when NPS completed a draft EIS on the permissibility of extending a 40 year-old special use permit to the Drakes Bay Oyster Company to take oysters from the seashore.

Although the draft EIS did not pick a preferred alternative, Feinstein criticized the Park Service for excluding evidence that she says proves the oyster farm is harmless. Feinstein and the permittee believe that the Park Service wants the area designated as wilderness, as Salazar indicated.

The Drakes Bay Oyster Company has operated an oyster farm and cannery within Point Reyes for more than 60 years, providing 30 jobs to the local economy.

In 2009 Feinstein, at the time chair of the Senate subcommittee on Interior Appropriations, inserted in a fiscal year 2010 appropriations law (PL 111-88 of Oct. 30, 2009) a rider giving NPS discretion to renew the existing permit for 10 years. While the provision is discretionary, Feinstein has made it clear the permit should be issued for another 10 years. And NPS is undoubtedly hesitant to anger the influential appropriator.

Lunny's complaint is available here:

<http://causeofaction.org/2012/12/04/dboc-complaint-court-stamped/>.

## **Administration: AGO's past achievements set good example**

The Obama administration said December 4 that accomplishments of the President's signature conservation initiative - America's Great Outdoors Initiative (AGO) - provide a template for future projects.

In an annual progress report the administration said past partnerships have "led to innovative approaches and will continue to support existing programs for conservation and connectivity in America. The creativity, experience, and insight of individuals and organizations across sectors promise to extend the reach and impact of AGO into communities and conservations far beyond the Federal government."

Said Secretary of the Interior Ken Salazar, who has been carrying most of the AGO water for the administration, "Working hand in hand with communities through the America's Great Outdoors initiative, we have undertaken and completed countless projects to promote conservation efforts, provide more outdoor recreational opportunities, and support economic growth and job creation. I know that, together, we can continue to add to this impressive list of accomplishments in the coming years."

The administration didn't say so, but the current federal budget crisis does not augur well for conservation initiatives envisioned by AGO that depend on federal appropriations, such as federal and state land acquisition.

But the report does pound home the old argument that outdoor recreation boosts the national economy. "According to a report released in June 2012 by the Outdoor Industry Association, the American outdoor recreation economy provides 6.1 million jobs, spurs \$646 billion in spending, and brings \$39.9 billion in Federal tax revenue and \$39.7 billion in state and local tax revenue," it says.

So the report, *America's Great Outdoor 2012 Progress Report*, will provide ammunition for conservationists and local officials who will fight for significant appropriations in the upcoming budget battles.

The take-away message holds that cooperation works. "The tangible results achieved through AGOP have relied on an approach that is science-based, community-driven, landscape-scale, interagency, and multi-sectored,"

said the report available at [www.whitehouse.gov/ceq/initiatives/ago](http://www.whitehouse.gov/ceq/initiatives/ago).

Although the slender, 32-page document is long on pictures and short on words, it does highlight a number of accomplishments this year. Among them was the designation of three national monuments by President Obama. They are:

\* Fort Ord National Monument on Monterrey Bay, Calif. It opens up 14,000 acres of the former Army base to the general public. Managed by the Bureau of Land Management, the coastal property contains quality hiking, mountain biking and other outdoor land.

\* Chimney Rock National Monument in southwest Colorado contains more than 200 homes and buildings built by the Ancestral Pueblo People. The Forest Service runs the show.

\* Cesar Chavez National Monument in Keene, Calif., honors the eponymous labor leader Chavez on a property known as Nuestra Señora Peina de la Paz. The Park Service manages the property.

President Obama began AGO in April 2010. His Cabinet members hosted 51 public meetings around the country and more than 100,000 interested parties submitted

## **Solons hold out hope for Farm Bill in budget sequestration**

House and Senate members with a stake in a major farm bill are encouraging their peers to include a new Farm Bill in legislation to resolve the big budget impasse, if such legislation is developed.

The Senate has passed a Farm Bill; the House has not.

Sen. John Hoeven (R-N.D.) said on the Senate floor December 6, "The Farm Bill version we passed with broad bipartisan support in the Senate would save \$23 billion over 10 years. The House version, which has been passed out of committee and is now pending on the floor, would save \$35 billion. Passing a good Farm Bill can be part of the

solution for the fiscal cliff."

Sen. Amy Klobuchar (D-Minn.) said the previous day, "I urge the House of Representatives to complete work, to work with the Senate, so we can make sure as we come to the year end we have a major deal which we must have on the fiscal cliff, that we also include the Farm Bill, because with the Farm Bill we save \$23 billion over what we have been spending in the last few years."

Thus far Speaker of the House John Boehner (R-Ohio) has been unable to muster enough votes to gain full House approval of a Farm Bill (HR 6083) passed by the House Agriculture Committee July 12. Both anti-federal spending Republicans and pro-federal aid Democrats have opposed the measure as alternatively too expensive and too inexpensive. The full Senate approved its multi-year bill (S 3240) June 21.

House Majority Leader Eric Cantor (R-Va.) said Republican leaders are working on a solution to the impasse. "We're going to face some very dire consequences if we don't act on the issue prior to leaving here," he said last week. "And part of what I had indicated last week is that is something we are focused on and know we've got to deal with the issue prior to the end of the year."

So more than likely the Farm Bill will be a candidate for inclusion in sequestration resolution legislation, if such legislation is moved.

The House continues to be the problem where leaders don't have the votes to secure approval of a bill (HR 6083) the House Agriculture Committee approved July 12. The full Senate approved its multi-year bill (S 3240) June 21.

As for the legislation itself, the Senate-passed bill is far more generous than the House committee bill. The House panel would reduce farm spending by \$35 billion over the next 10 years, or \$12 billion more than the \$23 billion the Senate would cut. The Obama administration has endorsed the Senate bill.

The Senate generosity applies to conservation programs, including a Conservation Reserve Program and an Open Fields program.

Meanwhile, land trust advocates among others are beating the drums for an agricultural easement program. The Senate bill contains an ambitious provision that would provide \$1.34 billion over ten years for the acquisition of easements on private and tribal lands.

The House committee bill includes a comparable provision, but it would not allocate a set amount of money for the program, forcing it to compete with one large pot of conservation spending.

The Congressional failure to pass either a long-term farm bill or a short-term extension of the last Farm Bill (it expired October 1) is already having adverse impacts on conservation programs. For instance, although the huge, multi-million acre Conservation Reserve Program (CRP) is still around, the Department of Agriculture is not going to add acreage to it.

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

**Conservation easements:** The Senate bill (Section 2301) would consolidate an existing Farm and Ranch Lands Protection Program and a Grassland Reserve Program into one Agricultural Lands Easement program. Under existing law the Farm and Ranch Lands program receives \$200 million per year. The Senate would provide \$1.34 billion over ten years.

The House committee bill includes a comparable provision, minus the set-aside.

**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.

**Conservation Reserve Program:** The Senate and the House committee would both extend 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.

## Notes

### **Wyden to head Senate Energy.**

Senate Democrats December 12 chose Oregon Sen. Ron Wyden as the chairman of the Senate Energy Committee in the 113th Congress, as expected. Wyden will replace Sen. Jeff Bingaman (D-N.M.), who is retiring. Wyden currently chairs the subcommittee on Public Lands and Forests. Sen. Mark Udall (D-Colo.) currently chairs the subcommittee on National Parks within the committee. Although Wyden and Bingaman generally share the same viewpoints, Wyden may be more aggressive than Bingaman

### **Yellowstone snowmobile ROD**

**out.** Yellowstone National Park made official this week a continuation of last winter's snowmobile policy for the upcoming 2012-2013 winter season. The policy allows up to 318 snowmobile visitors and 78 snowcoaches per day. The park had planned to change its snowmobile policy for this winter to base use on "events" of up to 110 per day. The events would be divided up among snowmobiles, snowcoaches, commercial guides and noncommercial guides. After sharp criticism of the initial plan the Park Service postponed

it until the winter of 2014-2015. Among other things the Coalition of National Park Service Retirees said the plan violated the park's science policy by not abiding by scientific analyses on noise and air pollution impacts.

**Fee free days reduced.** The Park Service will offer six fewer fee-free days in 2013 than it offered in 2012. The Interior Department said last week NPS would hold just one fee-free day over the Martin Luther King Birthday weekend in 2013, rather than the three in 2012; would hold just five fee-free days during National Park Week in 2013, rather than the nine days in 2012; and would eliminate a fee-free day on Great Outdoors Day (*see below*). The Forest Service, the Bureau of Land Management, and the Fish and Wildlife Service have set slightly different fee-free schedules. For instance the Forest Service will not charge fees on Great Outdoors Day. NPS reportedly is cutting back on fee-free days because it loses up to \$1 million per day in entrance fees.

**FS opens Calif. ways to OHVs.**

The Shasta-Trinity National Forest has found a way to open 100 miles of Level 3 routes to off-highway vehicle (OHV) use that regional forester guidance had put off limits. The forest reclassified the routes to Level 2, which allows maintenance and allows OHV use. OHV users raised a stink two years ago in protest of Region 5 guidance that they said shut them out of Level 3 routes in national forests throughout the state. Congress at the time became involved when House appropriators added a rider to a fiscal year 2012 appropriations bill that would have prohibited the agency from blocking OHV use on Level 3 highways. That rider was eventually dropped in final bill negotiations with the Senate. Shasta-Trinity National Forest Supervisor Sharon Heywood issued the decision opening the 100 miles of routes to OHVs November 5. Her decision is the second item down at [http://www.fs.fed.us/nepa/nepa\\_project\\_exp.php?project=38221](http://www.fs.fed.us/nepa/nepa_project_exp.php?project=38221).

**Get Outdoors Day set for June 8.**

Outdoor recreation advocates will team with federal, state and local officials

to hold the sixth annual National Get Outdoors Day on June 8, 2013. The advocates and government officials will be joined by healthcare businesses that are playing an increasingly important role in linking exercise in the outdoors with good health. The sponsors say events will be held at more than 200 sites and that the Forest Service will waive entrance fees. More info at <http://www.nationalgetoutdoorsday.org/>.

**Bill would change NPS snow jobs.**

Rep. Eleanor Holmes Norton (D-D.C.) introduced legislation (HR 6610) last month that directs federal agencies to remove snow, sleet and ice from walks in front of federal buildings and on public roads in the District of Columbia. Norton said her bill would absolve the Park Service from legal liability if the federal agencies did not remove the snow, sleet and ice. Under existing law - the Act of September 16, 1922 - the Park Service is apparently at legal risk if federal agencies don't clear their sidewalks. "In the case of snow removal, agencies generally have been clearing their own public spaces in D.C. for years, but if this change is not made, there could be needless, costly litigation," she said. "This bill, however, costs taxpayers nothing." Sen. Jeff Bingaman (D-N.M.) introduced a counterpart bill (S 3398) on July 18 at the request of the Obama administration.

**Everglades meet on for January.**

The Everglades Coalition will hold its 28<sup>th</sup> annual conference January 10-13 at the swank Biltmore Hotel in Coral Gables, Fla. The Everglades Coalition is a prime mover behind efforts to restore the Everglades ecosystem and protect Everglades National Park. The National Parks Conservation Association and the Conservancy of Southwest Florida are cohosting the event. More information is available at: <http://www.evergladescoalition.org/conference.htm>.

**Dicks given NPS retiree award.**

The Coalition of National Park Service Retirees has granted long-time House appropriator Norman Dicks (D-Wash.) its highest honor - the George B. Hartzog Award. Dicks, who represents in part the Olympic National Forest in Washington, has served on the House

Appropriations subcommittee on Interior and Related Agencies since he was elected to Congress in 1976. During that time he chaired the subcommittee for four years and chaired the full appropriations committee. George B. Hartzog served as NPS director from 1964 to 1972 and helped expand the National Park System. Said Dicks, "This is a great honor and I deeply appreciate the recognition for one of the most enduring causes of my career on the House Interior Appropriations Subcommittee - improving and expanding our National Parks."

## Boxscore of Legislation

### **APPROPRIATIONS FISCAL 2013 (Interior)**

HR 6091 (Simpson), HJ Res 117 (Rogers). Congressional leaders in August agreed to base funding for all appropriations bills during the first half of fiscal 2013. 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 in August agreed to base funding for all appropriations bills during the first half of fiscal 2013. 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 in August. 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 in August to base funding for all appropriations bills during the first half of fiscal 2013. 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.

### **Congressional Budget Fiscal 2013.**

H Con Res 112 (Ryan). 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.