

# Federal Parks & Recreation

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**House highway bill faces old and new problems**

When Congress comes back to work next week, it will be faced with the same impasse it has been up against all year - an inability to agree on a multi-year surface transportation bill.

But a couple of things have changed. The House and Senate did agree on a three-month extension of the old surface transportation law (PL 112-102 of March 30). That gives the two houses until the end of June to reach agreement on a new bill.

On the other hand matters may have been complicated by a fiscal year 2013 Congressional budget approved by the House March 29 (H Con Res 112). It establishes a spending cap for all transportation programs (not just highways where the park and rec money is) that is significantly less than the fiscal 2012 appropriation.

The budget would slash transportation spending for highways, transit, NASA, the Coast Guard and FAA by \$31.5 billion, from \$88.6 billion in fiscal 2012 to \$57.1 billion. That cap could block full funding for the House roads bill.

However, the budget does allow the House Transportation Committee and other committees to find new revenues that don't increase the federal deficit to increase the spending cap. And House Republican leaders believe they have identified those revenues in the form of energy development on federal lands.

The House and Senate have been working on different versions of a multi-year surface transportation bill. The Senate March 14 approved a two-year extension (S 1813) that would roughly extend park and rec highway-

related programs at the existing levels. Those programs include transportation enhancements, recreational trails, scenic byways and Safe Routes to Schools.

The House has failed to move a five-year surface transportation bill (HR 7) because Republican leaders have been unable to line up enough votes to pass the measure.

The Republican leaders did persuade the House to approve February 16 a bill (HR 3408) to help pay for HR 7 with revenues from oil and gas leasing in the coastal plain of the Arctic National Wildlife Refuge and from oil shale leases. The catch is the Obama administration and Senate Democrats oppose the energy provisions.

HR 7 as approved by the House Transportation Committee February 13 would either eliminate or sharply reduce funding for most park and rec programs, with the notable exception of recreational trails. It receives a pass because it generates its own revenues from taxes on powered recreation equipment.

Despite all the Congressional activity, more and more insiders are anticipating that the House and Senate will be unable to reach agreement on a multi-year surface transportation bill before the November 6 elections.

This theory holds that the House and Senate are so far apart on legislation that they can't compromise politically with an election coming up. A lengthy extension of the existing law is the likely alternative.

The transportation construction establishment has lined up with the Obama administration, House Democrats and most senators in pushing for House adoption of the Senate bill.

In a March 19 statement President Obama said, "Last week, the Senate passed a bipartisan transportation bill that will keep construction workers on the job and keep our economy growing. Now the House of Representatives needs

to take bipartisan action so I can sign this into law."

House Democrats jumped on the suggestion and under the lead of Rep. Tim Bishop (D-N.Y.) introduced the Senate-passed bill as a stand-alone measure (HR 14). However, House Republicans have not agreed to let HR 14 come to the floor yet.

Here's where the Senate stands compared to the House Transportation Committee bill on specific outdoor programs:

**ENHANCEMENTS:** The House committee bill would remove the existing \$900 million per year set-aside for transportation enhancements, but would allow the program to compete with other program for money from state highway transportation offices. The Senate bill would maintain guaranteed spending for the program at or about \$900 million for fiscal 2013 and 2014.

Said the Rails-to-Trails Conservancy in a bulletin to its members, "The bill will ensure greater local access to funds and a fair shot at approval for the most beneficial projects, and it preserves decision-making structures that enable public participation and well-balanced trail systems."

**RECREATIONAL TRAILS:** The House committee and the Senate committee are in rough agreement on setting aside \$85 million per year for the Recreational Trails Program.

The office of Sen. Amy Klobuchar (D-Minn.), the lead advocate for the program in the Senate, said the senator "has secured the continuation of the Recreational Trails Program as part of a larger Surface Transportation bill."

**SCENIC BYWAYS:** The House committee bill would eliminate the program. The House committee would also eliminate funding for the America's Byways Resource Center. That may not matter because the Obama administration is already closing the center down. The Senate bill would allow the scenic byways program to compete for money from either a Transportation Mobility Program

or from transportation enhancements.

**FEDERAL LANDS ROADS:** The House committee bill would set aside \$535 million per year for federal land roads, 38 percent of which would go to National Park Service roads (or \$203 million), 32 percent to Forest Service roads (\$171 million) and 4.5 percent to the Fish and Wildlife Service.

The Senate bill would also keep federal and Indian land roads alive with an annual allocation of \$1 billion. Of that \$260 million would be allocated to national park and national wildlife refuge roads.

**NATIONAL PARKS OVERFLIGHTS:** No comparable House provision. The Senate bill would limit environmental restrictions in an upcoming Grand Canyon National Park air tour management plan. The park tells us the final plan should be completed this spring or summer.

The bill says, "None of the environmental thresholds, analyses, impact determinations, or conditions prepared or used by the Secretary to develop recommendations regarding the substantial restoration of natural quiet and experience for the Grand Canyon National Park required under section 3(b)(1) of Public Law 100-91 shall have broader application or be given deference with respect to the Administrator's compliance with the National Environmental Policy Act for proposed aviation actions and decisions."

Public Law 100-91 is the National Parks Overflight Act of 1987, which required the air tour plan. Sen. John McCain (R-Ariz.) and Senate Majority Leader Harry Reid (D-Nev.) prepared the Senate provision.

## **Feinstein, her critics duel over Point Reyes oyster**

The unending war over oyster farming in Point Reyes National Seashore heated up over the last fortnight.

Sen. Dianne Feinstein (D-Calif.), long-time advocate of the oyster farm,

blasted the science used by the Park Service in a draft EIS on the possible extension of an oyster farm permit.

In a March 29 letter to Secretary of Interior Ken Salazar Feinstein said, "I am frankly stunned that after all the controversy over past abuse of science on this issue, Park Service employees would feel emboldened to once again fabricate the science in building a case against the oyster farm. I can only attribute this conduct to an unwavering bias against the oyster farm and historic ranches."

Feinstein's complaint is aimed at data in the Sept. 26, 2011, draft EIS prepared by NPS that assesses the noise the Drakes Estero oyster farm produces. The senator alleges that the NPS assessment is based on the noise produced by jet skis in New Jersey.

NPS is expected to make a decision on renewing the Drakes Estero permit this November.

But the environmental group Public Employees for Environmental Responsibility (PEER) in turn blasted Feinstein for misusing scientific data. Said PEER, citing an analysis by the Environmental Action Committee of West Marin, "The Park Service understated the actual sound level impacts by using published data on noise from a boat that most closely represents the company's boats and then cutting that noise level in half."

The Marin environmental action group has recommended designating the area at issue wilderness.

Said PEER Executive Director Jeff Ruch, "Sen. Feinstein should do her homework before casting aspersions on the integrity of public servants. After six reviews have upheld the substance of the Park Service work, Sen. Feinstein is now grasping at straws."

Still, Feinstein said in her letter to Salazar, "Using 17-year-old data from New Jersey jet skis as documentation of noise from oyster boat engines in the estuary is incomprehensible. It is my belief

that the case against Drakes Bay Oyster Company is deceptive and potentially fraudulent."

But Feinstein's critics, such as PEER, argue that the Park Service went overboard to insure its data on the noise produced by oyster farming was valid.

The dispute over the Park Service data in the draft EIS comes 10 days after five scientists concluded in a peer review that the analysis was sound. "Overall, the reviewers found the analyses to be appropriate, and that there is no fundamental flaw with the larger scientific underpinning of the DEIS," said the peer review report.

The Interior Department said the peer review provides the guidance the Park Service needs to complete the EIS. "The peer-review accomplished exactly what we were seeking - that is, specific recommendations on how to improve the final environmental impact statement to make it a better science product," said Dr. Ralph Morgenweck, Interior's Scientific Integrity Officer.

The peer review of the draft EIS was put together by Atkins North America, an independent consulting firm specializing in such reviews. Most of the five reviewers endorsed the environmental analysis.

The great Point Reyes oyster controversy erupted last September after the Park Service completed the draft EIS on the permissibility of extending a 40 year-old special use permit that allows 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 operation is harmless. Feinstein and the permittee believe that the Park Service wants the area designated as wilderness.

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. The company's permit to operate within the park is scheduled to expire on Nov. 30, 2012.

In 2009 Feinstein, at the time chairman 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.

Feinstein was reportedly so angry in the summer of 2009 that she held up the nomination of Jon Jarvis as NPS director because he had supported the termination of the oyster farm when he was Pacific West Region director.

### **Hastings asks appropriators to deny Ocean Policy money**

House Natural Resources Committee Chairman Doc Hastings (R-Wash.) last week asked House appropriators to cut off all funds for the implementation of President Obama's National Ocean Policy.

Hastings told House Appropriations Committee Chairman Harold Rogers (R-Ky.) that the administration in fiscal year 2012 and 2013 budgets requested no specific appropriations to implement the policy, proposed January 12. Because of that he fear the administration will pull money from other appropriated accounts to implement the policy.

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

He concluded, "I respectfully request that the Appropriations Committee include language in each Fiscal Year 2013 appropriation bill prohibiting the use of funds to

implement this National Ocean Policy.”

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

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

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

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

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

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

Capt. Robert F. Zales, II, president of the National Association Of Charterboat Operators, said, said at a House subcommittee hearing March 22, “The (policy) process has the potential and is likely to create new and expanded regulatory requirements in addition to

those we have, creating more regulatory burdens and expanding costs to our businesses.”

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

Hastings said he was also concerned about the legality of the policy. A former Republican counsel on the staff of the House Natural Resources Committee said flatly at the March 22 hearing that the policy is illegal. George J. Mannina, Jr., the former counsel to the subcommittee on Fishers, Wildlife and Oceans, told the committee that the President’s authority to establish ocean policy must be consistent with laws passed by Congress. He said the policy is not.

He concluded, “This effectively constitutes the enactment of new legislation that violates the separation of powers set forth in the U.S. Constitution.” Mannina is a partner with the firm Nossaman, LLC.

## **EPA once again agrees to clean up haze over all parks**

Thirty-five years after Congress told EPA and the states to reduce haze over national parks and wilderness areas, environmentalists are still trying to make EPA and the states obey that order.

In their latest legal strategy in a long, long string of strategies nine environmental groups a fortnight ago struck a deal with EPA on a compliance schedule.

Under the schedule 34 states are required to complete state implementation plans (SIPs) at staggered dates up until November of this year. If the states don’t meet the deadlines,

EPA is to write federal implementation plans (FIPs).

However, Congress and EPA have set numerous compliance deadlines before, to no avail. The latest round of litigation was touched off by a 2009 finding by EPA that 34 states had not completed SIPs. Five states had partially complied - Arizona, Colorado, Michigan, New Mexico and Wyoming.

As we reported in the June 4, 2010, issue of *FPR* EPA once before on Jan. 15, 2009, told the 34 states they must submit proposed SIPs by January 2010 in order to promulgate final plans by a deadline of January 2011.

But on May 20, 2010, 16 conservation groups wrote EPA to complain that 25 states had not submitted plans and were not near compliance. The conservationists asked EPA to step in and write FIPs.

Said National Parks Conservation Association (NPCA) clean air counsel Stephanie Kodish of the most recent agreement, "This decree obligates states and EPA to complete air plans; if they do their job properly, when our children visit our national parks and wilderness areas they will experience clean, healthy air, not the present day asthma attacks and murky skies."

The 1977 amendments to the Clean Air Act established the elaborate procedure for the states and EPA to reduce haze over 156 Class I national parks and wilderness areas of more than 5,000 acres. And to prevent increases in haze.

Although the 1977 amendments directed EPA and the states to write plans to clean up haze, little has been done. After decades of lawsuits from environmentalists, including NPCA, EPA in January 2009 set a first set of deadlines for the states of January 15, 2011. If states didn't prepare plans, and the majority didn't, then EPA said it would step in and issue federal plans.

The plans are supposed to compel coal-fired power plants and

other industrial polluters to adopt best available retrofit technology. Indeed coal-fired power plants are the environmentalists' main target.

The agreement between EPA and the environmental groups, a consent decree, was approved by the U.S. District Court for the District of Columbia March 30. It sets groups of deadlines for state completion of SIPs. For instance by May 30 Illinois, Indiana, Ohio, Pennsylvania, Virginia and parts of Minnesota must comply.

The language in the agreement is tortured. One key paragraph says, "By the 'Final Promulgation Deadlines' set forth in Table A below, EPA shall sign a notice(s) of final rulemaking promulgating a FIP for each State therein to meet the regional haze implementation plan requirements that were due by December 17, 2007 under EPA's regional haze regulations, except where, by such deadline EPA has for a State therein signed a notice of final rulemaking unconditionally approving a SIP, or promulgating a partial FIP and unconditional approvals of a portion of a SIP, that collectively meet the regional haze implementation plan requirement that were due by December 17, 2007 under EPA's regional haze regulations."

## **DoI continues to boost LWCF, though tourism is the pet**

The Land and Water Conservation Fund (LWCF) may have been somewhat eclipsed by tourism as the Obama administration's number one outdoor emphasis, but federal offices continue to beat the drums for the program.

On March 30 the Interior Department announced with some fanfare the distribution of \$33.3 million in fiscal year 2012 federal appropriations for the state grants under LWCF. Matching grants of \$43.9 million brought the total money available for new or renovated parks to \$77.2 million.

At the same time the Park Service published a report detailing the 2011 accomplishments of the state side of

LWCF. Those accomplishments include grants to 197 communities around the country and new protection for 33,432 acres.

Secretary of Interior Ken Salazar, the administration lead on much outdoor policy, emphasized that the money for LWCF comes from offshore oil and gas development, not taxes. "We are working in partnership with communities across America to use the revenues from the energy resources we take out of the ground to build a lasting legacy of parks, trails and open spaces," he said.

When Salazar came on board with the Obama administration in 2009 he made no secret that his number one priority was the designation and protection of new conservation areas. That goal was translated into the signature recommendation of President Obama's America's Great Outdoors (AGO) initiative of February 2011.

But, some believe, Salazar has recalibrated his priorities as the national unemployment rate has continued at high levels and the political demand for jobs has risen proportionately. As a result tourism is receiving a greater emphasis from the administration.

LWCF last month received a bump on the Hill. In passing a two-year surface transportation bill (S 1813) March 14 the Senate included an allocation of \$700 million each year for the next two years for the program.

The LWCF provision in S 1813 will face more serious opposition in the House. Private property rights advocates are already working to defeat it in the House.

The fiscal 2013 and 2014 money would come from Gulf of Mexico oil spill payments from the BP oil company. The vote on the amendment (SA 1822) was 76-to-23. The main purpose of the amendment is the restoration of the Gulf Coast, not the revival of LWCF.

Sponsors included Sens. Bill Nelson (D-Fla.), Mary Landrieu (D-La.), Jeanne Shaheen (D-N.H.) and Richard Shelby (R-Ala.)

Spending on LWCF has been a bone of contention for more than 40 years for western Republicans, who say the nation can't afford additional lands. The Republicans usually recommend no new acquisitions. But Democrats and conservationists counter with recommendations for continued funding. Congress in most years has ended up approving some money but not as much as Democrats and conservationists want.

Fiscal year 2012 provides a prime example. The Obama administration recommended \$465 million for both federal and state sides of the program, the Republican-controlled House approved a tenth of that, or \$46.7 million, and a draft Senate bill called for \$187.3 million. Congress agreed on \$186.7 million.

Again this year the administration recommended far greater appropriations for LWCF than Hastings indicated House Republicans will accept. The fiscal 2013 budget asks for a \$258 million total for federal land acquisition, compared to the \$46.7 million the House Appropriations Committee approved last summer.

For the state side of LWCF the administration recommended \$60 million, compared to the zero money the House committee approved last year.

The state-side report, prepared by the NPS State & Local Assistance Program, consists primarily of descriptions of projects carried out with 2011 grant money. The report and more information are available at <http://www.nps.gov/lwcf>.

**FS acquisitions selected:** In a related development Secretary of Agriculture Tom Vilsack himself announced the fiscal 2012 distribution of LWCF money for land acquisition by the Forest Service.

The \$40.6 million is to be distributed to 27 projects in 15 states. They are Alaska, California, Colorado, Georgia, Idaho, Indiana, Michigan, Missouri, Montana, New Mexico, North Carolina, Oregon, Tennessee, Utah and Washington.

Said Vilsack, "In keeping with the Obama Administration's America's Great Outdoors conservation initiative, USDA is committed to conserving and restoring our forests and bringing jobs to rural America."

## **Local revenues increase, but not compared to 2007-2008**

States, cities and counties all say that their economic pictures have improved slightly over the last two years, but they still trail pre-recessional spending levels of 2007-2008.

In the most comprehensive recent look at local economies, which of course governs park and rec spending, the Government Accountability Office (GAO) April 5 took a look at both state and local economics.

It concluded, "The fiscal situation of the state and local government sector has improve in the past year as the sector's tax receipts have slowly increased in conjunction with the economic recovery. Nonetheless, total tax receipts have only recently returned to the prerecession levels of 2007 and the sector still faces a gap between revenue and spending."

State and local governments have cut park and recreation spending to the bone since 2007 to cope with the recession. Government leaders reacted with a number of strategies for managing park and recreation areas to accommodate lower appropriations. They ranged from new taxes and new fees on parks and recreation areas to closures of facilities and widespread lay-offs.

California with its enormous deficit and huge state park system may be facing the most widespread closures. The enacted fiscal 2011-12 California state budget mandates the closure of 70 of the state's 278 parks by July 1. That will save \$11 million.

In addition, Gov. Jerry Brown (D) has proposed a fiscal 2012-13 budget that could eliminate 20 percent of ranger positions in the state park system and

all lifeguard positions. That would save another \$22 million.

California is not the only state imposing massive cutbacks in park services, including closures. From New York to Arizona state legislatures are facing the inevitable and reducing park and rec budgets.

GAO said the main state and local budget problem is health care, not outdoor programs. "In the long term, the decline in the sector's operating balance is primarily driven by the rising health-related costs of state and local expenditures on Medicaid and the cost of health care compensation for state and local government employees and retirees," said the report. And for the short and medium terms the same holds true.

At the state level the National Governors Association published its most recent budget snapshot shortly before Christmas that said overall 2012 state budgets project a 2.9 percent increase in funding, from \$648 billion in 2011 to \$667 billion. Still, said the association, projected 2012 revenues will lag \$21 billion behind 2008 spending. But, again, the governors warn that health care costs are rising and must be paid, leaving other programs behind.

At the city level, the National League of Cities last month painted a moderately-optimistic picture with the majority of communities surveyed reporting improved revenues and reduced unemployment. "Our latest numbers point to improving local economic conditions," said Christopher Hoene, director for the Center for Research & Innovation at the National League of Cities.

He continued, "But, we're a long way from recovery. It's clear that cities and city residents will still be confronting the impacts of this past recession for a while longer."

At the county level, in its most recent survey the National Association of Counties said that most counties were adapting to a "new normal" of reduced revenues and higher health costs. The

survey said more than half of the counties said the number one reason for shortfalls was declining revenues from state and federal governments.

The GAO report, *State and Local Governments' Fiscal Outlook: April 2012 Update* is available at <http://www.gao.gov/products/GAO-12-523SP>.

## **Interior gains allies in Grand Canyon withdrawal suits**

An Indian tribe has joined with environmental groups to intervene on behalf of an administration order withdrawing one million acres of public lands from mining near Grand Canyon National Park.

At least three lawsuits have been filed by the mining industry against the January 18 withdrawal of Bureau of Land Management (BLM) and National Forest System lands. The plaintiffs argue that an EIS backing the withdrawal is inadequate and the withdrawal provision of the Federal Land Policy and Management Act of 1976 (FLPMA) is itself unconstitutional.

But the proposed intervenors, including the Havasupai Tribe, counter that the withdrawal is needed to protect both Grand Canyon and the Havasupai lands. In a request to the U.S. District Court to intervene in a lawsuit brought in November by uranium miner Gregory Yount, the proposed intervenors did not address the FLPMA legality issue.

They did however address the need for a withdrawal to protect the park and Indian lands. "DOI's environmental analysis demonstrates the harms uranium mining has caused, and will likely cause in the future if allowed to occur absent DOI's withdrawal," said the litigants, including the Grand Canyon Trust and the National Parks Conservation Association.

The proposed intervenors said the withdrawn land has a history of environmental damage from past mining. "Former uranium mine workers and their families - many of them American Indian - suffered devastating health impacts

from exposure to radioactive dust and debris, and water contamination from the region's last uranium boom," they said.

The lawsuit at issue was filed by Gregory Yount two months before Secretary of Interior Ken Salazar announced the 20-year withdrawal in January. After Salazar's decision Yount amended his lawsuit.

Two industry associations have filed separate lawsuits, the National Mining Association on February 24 and the Northwest Mining Association on March 6. Both were filed in Arizona. The Indian tribe and conservation groups said they would attempt to intervene in the other two suits.

The mining associations attacked the EIS prepared by BLM to back the withdrawal for exaggerating damage from uranium mining. Said Northwest Mining Association Executive Director Laura Skaer, "The evidence is quite clear that the BLM and U.S. Forest Service have effectively used the existing comprehensive framework of environmental laws, regulations and financial assurance requirements to protect the environment, ensure public participation in the process and ensure that modern mines are reclaimed and do not become tomorrow's abandoned mines. Thus, there is no scientific justification for this mineral withdrawal."

The miners also said that Congress acted unconstitutionally in FLPMA by giving itself a legislative veto over a Presidential action, i.e. a withdrawal. Said the National Mining Association lawsuit, "The Withdrawal of approximately 1,006,545 acres is unlawful because the Secretary of the Interior's authority to administratively withdraw more than 5,000 acres is premised on an unconstitutional legislative veto."

But the environmentalists said Grand Canyon and tourism mattered more than uranium mining. "Tourism, not mining, is the mainstay of the region's economy," said David Nimkin, southwest regional director of National Parks and Conservation Association. "Millions enjoy the Grand Canyon each year and

power the economic engine for much of the Southwest's tourist industry. The last thing visitors want to find when visiting the Grand Canyon is industrial development and uranium mines."

The tribe and the environmentalists are trying to participate in the lawsuit because they fear the Obama administration (or a new Republican administration) will not adequately represent their interests.

Congress has tried to involve itself in the dispute. A fiscal year 2012 Interior and Related Agencies appropriations bill (HR 2584) that was on the House floor in July would have blocked the Salazar withdrawal, unless Congress approved it. But a House-Senate conference committee last month struck the provision, opening the way for the withdrawal.

In addition five western Republican senators and nine House members introduced legislation (HR 3155, S 1690) in October that would block the withdrawal. It has not moved yet.

## **Proposed designs for D.C. Mall repairs are made public**

The Trust for the National Mall April 9 posted 12 leading designs for the proposed - and expensive - renovation of the Washington, D.C. mall.

The trust has selected four competing architectural teams to redesign each of three major segments of the mall - Union Square, Sylvan Theater/Washington Monument Grounds and Constitution Gardens. Eight renowned experts will choose the winning firms next month after the public has an opportunity to view the competing designs.

To view the designs go to [www.nationalmall.org](http://www.nationalmall.org).

The National Mall - the nation's premiere civic space in Washington, D.C. - is in line for a \$600 million restoration under a plan unveiled by the Park Service on Nov. 9, 2010.

The preferred alternative in the plan includes the replacement of lawn with paved spaces, renovation of structures and a general modernization of the mall. The design of those projects is the subject of the trust's competition.

The Park Service acknowledged that it doesn't expect Congress to pay for the ambitious plan. To help out the Trust for the National Mall has begun a \$350 million fund-raising campaign. It expects to have the money in hand in 2014.

The Washington Mall has not been redesigned for 36 years. In that time some 30 million visitors each year tromp across the mall's grounds.

Portions of the mall, which stretches more than two miles from the Capitol to the Lincoln Memorial, are often in a scabrous state. A reflecting pool is grungy, lawns are worn down to bare dirt, buildings are deteriorating and pedestrian walks are falling apart.

The 2009 American Recovery and Reinvestment Act (ARRA) put almost \$50 million into restoration of facilities on the mall. That money is not included in the \$600 million estimate. The ARRA economic stimulus law (PL 111-5 of Feb. 17, 2009) provided \$30 million for reconstruction of the Lincoln Memorial Reflecting Pool, \$12 million to rehabilitate a Tidal Basin seawall and \$7 million to restore a D.C. War Memorial.

The preferred alternative in the 2010 restoration lists these costs for future projects:

- \* New visitor facilities; \$62.6 million
- \* Other facility costs (paths, restoration); \$198.8 million
- \* Rehabilitation of water features; \$299.1 million
- \* Natural resource restoration; \$40 million to \$80 million
- \* Education and communications; \$5.6 million to \$7.6 million
- \* TOTAL; \$606 million to \$648 million.

Here are the three main areas and the design teams in the competition:

**Union Square:**

Diller Scofidio Renfro & Hood Design  
 Gustafson Guthrie Nichol & Davis Brody  
 Bond  
 Pei Cobb Freed & Partners & Workshop:  
 Ken Smith Landscape Architect  
 Snohetta & AECOM

**Sylvan Theater on the Washington Monument Grounds:**

Balmori Associates & Work Architecture  
 Company  
 Diller Scofidio Renfro & Hood Design  
 Michael Maltzan Architecture & Tom  
 Leader Studio  
 OLIN & Weiss/Manfredi

**Constitution Gardens:**

Andropogon & Bohlin Cywinski Jackson  
 Nelson Byrd Woltz Landscape Architect &  
 Paul Murdoch Architects  
 OLIN & Weiss/Manfredi  
 Rogers Marvel Architects & Peter Walker  
 and Partners

Since the design competition began, Congress transferred the Union Square site at the foot of the Capitol from the Park Service's jurisdiction to the Architect of the Capitol for security reasons. Still, the winning design for the area will be submitted to the Architect of the Capitol.

**Notes****FS planning rule lawsuit likely.**

The timber industry may file a lawsuit against a sweeping new Forest Service planning rule. The American Forest Resource Council (AFRC) is looking at that possibility, Ann Forest Burns, vice president of the council, told us. "We are examining our options for trying to persuade the agency to fulfill its responsibilities," she said. "The courts are one of the places we go to do that." Ecological sustainability, and the attendant requirement to protect all species, may provide the grounds for such a suit. "The National Forest Management Act (NFMA) requires a diversity of species within the context of multiple use," said Burns. "We don't think the regulations were issued

in that context. They were turned upside down. They make multiple uses subservient to a diversity of species." The rule issued March 23 will govern the preparation of individual unit plans for the 155 national forests and 20 grasslands in the National Forest System. Those plans, required by the NFMA, govern virtually all uses in the national forests. Under NFMA forest plans are to be revised every 15 years. However, Forest Service Chief Tom Tidwell said 68 out of 127 land management plans (some cover more than one forest or grassland) are overdue for revision. The Forest Service said the new rule will be tested out in these eight units later this year: the Nez Perce-Clearwater National Forest in Idaho, the Chugach National Forest in Alaska, the Cibola National Forest in New Mexico, El Yunque National Forest in Puerto Rico and California's Inyo, Sequoia and Sierra National Forests. In announcing completion of the rule Under Secretary of Agriculture Harris Sherman and Forest Service Chief Tom Tidwell repeatedly emphasized the prominent role recreation will play in the National Forest System.

**NPCA eyes Nevada BLM land for NPS.**

The Bureau of Land Management (BLM) decided March 30 to designate 10,670 acres northwest of Las Vegas, Nev., as a protected conservation area. That prevents the anticipated sale of the land to developers under the Southern Nevada Public Land Management Act (SNPLMA) of 1998. The decision also prompted the National Parks Conservation Association (NPCA) to recommend that the area - formally the Upper Las Vegas Wash Conservation Transfer Area - be transferred to the National Park System. In all NPCA recommends that 23,000 acres in the area be designated national park. BLM describes the area this way: "The Upper Las Vegas Wash is a deep drainage cut by thousands of years of run off and flooding. The area contains significant paleontological, botanical, and cultural resources such as extinct mammoth and ground sloth fossils." Said NPCA, "While the BLM's decision has stopped plans to allow for the construction of homes over irreplaceable fossils, it's a far cry from providing the protection and enhancements that

would come with a National Park Service designation. (NPCA), together with a wide range of community supporters, continues to advocate that 23,000 acres be transferred from the BLM to the National Park Service, and opened to public viewing and scientific research." Under SNPLMA BLM has sold off billions of dollars of public lands around Las Vegas for development. In turn federal and state agencies have used the proceeds for conservation purposes, including park acquisitions. So the BLM decision to put the Upper Las Vegas Wash off limits from sale was not an easy one. At the same time the cratering Las Vegas housing market may have decreased interest in developing new areas.

#### **DoI extends concessions board.**

Secretary of Interior Ken Salazar April 2 used his authority under an advisory committee law to renew the National Park Service Concessions Advisory Board. Congress established the board in 1998 but Congressional authority expired on Dec. 31, 2009. Since then Salazar has kept it alive under the Federal Advisory Committee Act. As its name indicates, the advisory board recommends concessions policies to the Park Service.

#### **NPS establishes Civil War website.**

The Park Service said that, coincident with the 150<sup>th</sup> anniversary of the Battle of Shiloh, it has established a Civil War website. The site, [www.nps.gov/civilwar](http://www.nps.gov/civilwar), includes battle sites as well as overall information on the war. As advertised, the site includes a treasure trove of information.

## **Conference Calendar**

### APRIL

16-18. **National Hydropower Association** annual meeting in Washington, D.C. Contact: National Hydropower Association, One Massachusetts Ave., N.W., Suite 850, Washington, DC 20001. (202) 682-1700. <http://www.hydro.org>.

16-19. **National Association of Recreation Resource Planners** annual meeting in Baton Rouge, La. Contact: National Association of Recreation Resource Planners, P.O. Box 221, Marienville, PA 16239. (814) 927-8212.

<http://www.narrp.org>.

17-18. **Outdoor Industry Association** Capitol Summit in Washington, D.C. Contact: Outdoor Industry Association, 4909 Pearl East Circle, Suite 200, Boulder, CO 80301. (303) 444-3353. <http://www.outdoorindustry.org>.

18-22. **Society for American Archaeology** annual meeting in Memphis, Tenn. Contact: Society for American Archaeology, 900 2nd St., N.E., Suite 12, Washington, D.C. 20002-3557. (202) 789-8200. <http://www.saa.org>.

23-24. **America Boating Congress** legislative conference in Washington, D.C. Contact: National Marine Manufacturers Association, 444 N. Capitol Street, NW Suite 645, Washington, D.C. 20001. (202) 737-9750. <http://www.nmma.org>.

### MAY

6-9. **National Sporting Goods Association** conference in San Antonio, Texas. Contact: National Sporting Goods Association, 1601 Feehanville Drive, Suite 300, Mt. Prospect, IL 60056-6035. (847) 296-6742. <http://www.nsga.org>.

6-9. **National Ski Areas Association** annual meeting in San Antonio, Texas. Contact: National Ski Areas Association, 133 South Van Gordon St., Suite 300, Lakewood, CO 90228. (303) 987-1111. <http://www.nsaa.org>.

### JUNE

10-12. **Western Governors' Association** annual meeting in Cle Elum, Wash. Contact: Western Governors' Association, 1515 Cleveland Place, Suite 200, Denver, CO 80202. (303) 623-9378. <http://www.westgov.org>.

13-16. **U.S. Conference of Mayors** annual meeting in Orlando. Contact: U.S. Conference of Mayors, 1620 I St., N.W., Fourth Floor, Washington, DC 20006. (202) 293-7330. <http://www.usmaors.org>.

25-29. **National Speleological Society** annual meeting in Greenbrier Valley, W.Va. Contact: National Speleological Society, 2813 Cave Ave., Huntsville, AL 35810-4331. (256) 852-1300. <http://www.caves.org>.