

# Federal Parks & Recreation

Editor: James B. Coffin

Subscription Services: Celina Richardson

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## House, Senate more than \$1 billion apart on NPS aid

The full Senate was nearing approval at press time of an economic stimulus bill (S 336) that would provide \$1.2 billion less to the National Park System than a House-passed bill (HR 1.)

Among other things the Senate bill would not set aside any money for the Centennial Challenge program, compared to \$100 million in HR 1. The House approved HR 1 January 28. The Senate was debating its bill all this week.

In early skirmishing the Senate February 3 turned back an initial attempt by Sen. Patty Murray (D-Wash.) and other senators to add \$25 billion more for transportation and infrastructure. The Murray amendment needed 60 votes to reach the floor but received 58.

After the Senate completes S 336 the House and Senate must reconcile the bills in conference. All the while the Obama administration is having its input. Time matters because President Obama wants the bill on his desk by February 16.

If Secretary of Interior Ken Salazar gets his way, the final bill will look more like the House measure than the Senate committee measure. At a press conference January 28 he said. "We've been involved in providing input for the stimulus for probably the last month. One of the things I do hope comes out of the stimulus package is a fusion of dollars for the National Park System because of the huge backlog."

The House approved HR 1, generated largely by House Appropriations Committee Chairman David Obey (D-Wis.), January 28 by a vote of 244-to-188 with no Republicans supporting the bill. The Senate Appropriations Committee approved

S 336 January 27 by a vote of 21-to-9 with some Republican support.

The House bill would provide, by our count including park roads, \$2.150 billion for the National Park Service. The Senate committee would provide \$902 million.

The House would provide \$1.8 billion for NPS construction (the Senate committee \$589 million); the House would provide \$100 million for the NPS Centennial Challenge program (the Senate committee nothing); and the House would provide \$250 million for Park Service roads (the Senate committee \$100 million.)

The Senate committee approved an additional \$208 million for two other line items - \$158 million for Park Service operations and \$55 million for the Historic Preservation Fund. The House bill did not make similar line item allocations.

For other land management agencies the House and Senate committee approved the following:

- \* FOREST SERVICE capital spending: House \$650 million (Senate, \$650 million)
- \* FWS construction and management: House \$300 million (Senate, \$300 million)
- \* BLM construction and management: House \$325 million (Senate, \$315 million)
- \* Wildfire prevention: House \$850 million with \$350 million FS and \$550 million state and local (Senate, \$665 million with \$300 million FS, \$15 million DoI and \$350 million state and local)
- \* USGS modernization: House \$200 million (Senate, \$135 million).

So, except for the Park Service, the Senate committee approved roughly the same amounts of money for federal land management agencies as the House.

National Parks Conservation Association (NPCA) Tom Kiernan worried about the Senate's NPS allocations. "The lower Senate number misses an historic opportunity to create thousands of meaningful jobs while at the same time beginning the process of restoring our National Park System in time for its upcoming centennial," he said.

Salazar inferred at his press conference that in the end the Park Service funding would come in below the House total number of \$2.35 billion. "That's probably a high number," he said.

But he said he has been pitching for significant assistance to the national parks. "I was struck when I visited the Statue of Liberty and Ellis Island by the amount of work that remains to be done to restore Ellis Island," Salazar said. "There are thousands of those kinds of places around the country and I want to do everything that we can to restore and recast those places. I am hopeful as we move the economic stimulus it will offer job creation opportunities."

It has been noted that the architect of the House bill, chairman Obey, is the father of NPCA Vice President for Government Affairs Craig Obey.

The absence of any money in the Senate bill for the Centennial Challenge program poses a mystery because Senate Majority Leader Harry Reid (D-Nev.) late last year promised to include the program in stimulus legislation. In fact a more modest Senate stimulus bill that failed last fall included the Centennial Challenge program.

At least the Centennial Challenge is still in play with the House money in HR 1. Thus far state and local park and rec programs have been shut out on both sides of the Hill.

Rep. Sheila Jackson-Lee (D-Texas) did prepare House amendments to assist state and local parks that would have (1) made clear federal land management agencies could pass funds through to state and local parks, (2) provided \$125 million for revitalization of state and local parks under the state side of the Land and Water Conservation Fund (LWCF), and (3) provided \$100 million for repair of state and local park facilities under the Urban Parks And Recreation Recovery program. Although Jackson-Lee prepared the amendments, she did not have an opportunity to introduce them on the House floor.

On the House floor January 28 House Republicans and Democrats debated in a fashion the merits of a \$200 million allotment to rehabilitate the Washington, D.C. mall. Rep. Jack Kingston (R-Ga.) opened the discussion by complaining about spending "\$200 million for grass resodding on The Mall."

Rep. Norman Dicks (D-Wash.) replied, "Out of the \$200 million for The Mall, \$150 million is to save the Jefferson Monument from sinking, sinking, into the Tidal Basin. Only part of the money is used to resod the grass, and, there is money also to protect and restore the Sylvan Theater as well." Dicks chairs the House subcommittee on Interior appropriations.

The House eventually dropped the \$200 million allocation. The Senate bill also includes no mall repair money.

The House and Senate also differed on highway transportation spending with the House approving \$30 billion and the Senate \$36.23 billion. The House says the highway money will be allocated by formula but it also says money will be set aside for national parks roads (\$250 million) and an unspecified amount for "environmentally friendly transportation enhancements."

The Senate Appropriations Committee bill would allocate \$27 billion to regular highway investments, \$5.5 billion to state and local competitive grants and \$830 million to federal land roads (of which \$100 million would be used for NPS roads.) Sen. Murray would have upped that to \$25 billion.

## **Salazar looks at Bush deeds; Obama team is filling in**

Secretary of Interior Ken Salazar February 4 ordered his department to put a hold on controversial oil and gas leases in Utah near national parks and recreation areas.

Salazar said the department has authority to withhold the issuance of leases under the Mineral Leasing Act, even though companies offered winning bids.

"Because of the need to review some of these parcels because of their proximity to landscapes of national significance I have directed the Bureau of Land Management (BLM) not to accept the bids on the 77 parcels (that BLM sold Dec. 19, 2008,)" said Salazar. The leases will not be issued until BLM studies in depth the environmental consequences of oil and gas development, he said, if then.

Salazar had earlier said January 28 at an introductory press conference that the Obama administration is reviewing what he called "midnight actions" by the Bush administration for possible revision. The Utah leases fall under that heading, he said.

"We are developing a list of actions taken by the Bush administration," he said. "We will determine what our options are with respect to each of the decisions made by the Bush administration within that time frame."

Among the actions Salazar mentioned were regulations that authorized citizens to carry concealed weapons in national parks and wildlife refuges and the oil and gas lease sale near national parks in Utah.

Salazar didn't mention an Interior Department rule that effectively renounced the authority of a single Congressional committee to order an emergency withdrawal of land. But that will undoubtedly also be reviewed.

In a separate Obama administration action on January 20 White House Chief of Staff Rohm Emanuel froze all regulations that had not yet gone into effect. The order would have little impact on new rules affecting park and rec because those rules, such as guns in the parks, are already in place.

At the press conference Salazar listed a half-dozen priorities, only one of which directly affected park and rec programs. That priority would allocate oil and gas royalties from federal lands to boost the Land and Water Conservation Fund, and perhaps other conservation initiatives. (See related article page 6.)

Salazar's other priorities include restoring integrity to the Interior Department, providing energy independence to the country, helping Native Americans, beefing up youth programs, and protecting conservation systems (that includes the oil and gas revenues proposal.)

Meanwhile, the name game has begun for possible appointees and nominees in the Interior Department and in the Department of Agriculture to positions that oversee park and rec.

One name is official: The Obama administration announced January 26 the expected nomination of David J. Hayes to the number two post in the Interior Department of deputy secretary under Salazar. Hayes served in the same position in the Clinton administration from 1999 to 2001. Hayes headed the Interior Department transition team for President Obama. He has worked recently as a partner with the Latham & Watkins law firm. He has also served as vice chairman of the board of directors of American Rivers.

We understand from a number of sources that Chris Wood, vice president of Trout Unlimited and a former Forest Service employee, will be nominated as Under Secretary of Agriculture to oversee the Forest Service. We suspect that is a pretty good tip because Wood usually returns our calls promptly and he has not responded to questions about the nomination.

A number of candidates for Park Service director are supposedly in the mix. Among the names of Park Service veterans we are hearing are, in alphabetical order: Robert Arnberger, former Alaska regional director now retired; John Donahue, superintendent of Delaware Water Gap National Park; Mike Finley, former superintendent of Yellowstone National Park; John Jarvis, Pacific Northwest regional director; and Dan Kimball, superintendent of Everglades National Park.

The Coalition of National Park Service Retirees last month urged Salazar to choose a Park Service professional for the job. As J. W. "Bill"

Wade, chair of the retirees executive council, wrote Salazar, "The new Director must be willing and able to heal the organization, restore it to credibility, good health and pride and immediately set in motion a culture of principled decision-making and leadership. For these reasons, we urge you to select a veteran of the National Park Service, rather than an 'outsider' who would have a significant 'learning curve' and who would face an uphill effort to establish credibility."

Deputy NPS Director Dan Wenk is serving as acting chief in place of former director Mary Bomar, who stepped down January 20 and retired from NPS.

As for the chief of the Forest Service, the old guard hopes the Obama administration doesn't immediately select a replacement for the incumbent boss, Abigail Kimbell, who took the job on Feb. 4, 2007. Unlike other land management agencies, the Forest Service chief is appointed and does not require Senate confirmation.

Said George Leonard, chairman of the National Association of Forest Service Retirees, "(P)rior to the Clinton Administration, the Chief's job was not regarded as automatically changing with a new administration. It enhances the credibility of advice that the Chief gives to the Administration and the Congress if the position is not seen as just another political appointment. We certainly believe that the long tradition of appointing a career, professional employee from within the organization must be maintained."

As represented by the Public Lands Foundation, the BLM old guard would like the next bureau director to come from agency ranks. Foundation President George Lea wrote Senate Energy Committee Chairman Jeff Bingaman (D-N.M.) January 16 to support a career professional as bureau director.

"We bring to your attention that career agency employees are also successfully leading the National Park Service, the Fish and Wildlife Service and the Forest Service as their director," wrote Lea.

Among the names suggested by environmentalists as BLM director are Martha Hahn, former director of the BLM Idaho State Office; Matt Millenbach, former BLM State Director in Montana who is now retired; and Robert Abby, retired state director in Nevada.

Ron Winker, the Nevada State Director, is acting as BLM director.

Here are three Bush administration initiatives that are candidates for review by the Obama administration:

\* UTAH OIL AND GAS SALE: On December 19 the BLM State Office in Utah leased 150,000 acres for oil and gas development, with many of the tracts located near Arches National Park, Dinosaur National Monument, Canyonlands National Park, Nine Mile Canyon and Desolate Canyon. BLM manages the latter two areas.

A federal judge January 16 blocked the issuance of 100,000 acres of the leases and suggested the environmentalist litigants would probably succeed in their lawsuit against BLM. Those are the leases Salazar has also halted.

\* GUNS IN PARKS: On Dec. 10, 2008, the Park Service and the Fish and Wildlife Service published a rule that allows concealed weapons in parks and refuges where state laws allow guns in state parks and refuges. The rule went into effect January 9. The Park Service retirees and the National Parks Conservation Association January 6 filed a lawsuit against the rule.

\* GRAND CANYON WITHDRAWAL: On Dec. 5, 2010, BLM declared illegal a provision of the Federal Land Policy and Management Act of 1976 that allows a single Congressional committee to order an emergency withdrawal. (See related article page 9.)

## Obama and Congress plan for fiscal 2009, 2010 money bills

Although House and Senate appropriators have largely reached agreement on the details of fiscal year 2009 ap-

propriations bills, it is increasingly likely that last year's spending levels will simply be extended for the rest of the year.

That's because the fiscal 2010 budget is right around the corner. It is understood that the Obama administration will sketch out a budget framework by the end of February and provide details sometime in April. That will probably preclude greater attention to the fiscal 2009 money bill.

However, Congressional appropriators still hold out hope that Congress will take up fiscal 2009 bills this month in an omnibus bill and won't have to extend fiscal 2008 spending levels.

Normally, an administration introduces its budget for the next fiscal year on the first Monday in February. But this year due to the transition to a new administration and the all-consuming work on an economic stimulus bill, the fiscal 2010 bill will apparently have to wait.

This last Congress (the 110th) put off consideration of fiscal 2009 money bills in late September by approving an extension of fiscal 2008 bills until March 6 (PL 110-329 of September 30.)

It is understood there would be little difference between a straight extension of fiscal 2008 spending and the agreements reached by House and Senate appropriators on fiscal 2009 spending.

That the fiscal 2010 budget is delayed also means that appropriations committee hearings will be delayed, other than for oversight. Again, with the details of the Obama budget not expected until April, the committee hearings (and perhaps mark-ups) will also be delayed significantly.

One thing our sources agree on: Fiscal year 2010 will be a lean year. Of course every administration since George Washington has boasted about its lean annual budget, but we are told this really will be a tight one, particularly given an \$800 billion stimulus bill.

## Salazar renews his pitch for energy money for state LWCF

Secretary of Interior Ken Salazar repeated January 28 his interest in beefing up the Land and Water Conservation Fund (LWCF) with oil and gas royalties from federal lands.

He said at a press conference that he would pattern such an initiative on a Great Outdoors Colorado program that was established in 1992 when he was executive director of the Colorado Department of Natural Resources. One crucial difference: Great Outdoors Colorado is financed with lottery money; Salazar would rely on federal oil and gas royalties.

"In 1992 we passed a constitutional amendment in Colorado that provides the dollars to do different things," he said. "We have been able to do a lot. I think it has left an indelible mark on preservation of farmland, river corridors, community separators and the like."

Salazar said he may attempt to apply the Colorado example nationally. "I would like to see, with programs like the Land and Water Conservation Fund, if we might be able to do a similar thing with oil royalty reform," he said, "to engage in a similar type of effort across the country. We are just putting out ideas now but we will look at what we can do."

During his confirmation hearing before the Senate Energy Committee January 15 Salazar told Sen. Mary Landrieu (D-La.) he would like to provide full funding of \$450 million per year to the state side of LWCF from offshore oil and gas royalties.

Salazar has frequently cited The Gulf of Mexico Energy Security Act of 2006 as an example of legislation that allocates oil and gas royalties to bulk up LWCF. That law directs the Minerals Management Service (MMS) to distribute to the state side of LWCF 12.5 percent of royalties from oil and gas lease sales from the 181 Area and the 181

South Area of the Gulf of Mexico. In fiscal 2008 state LWCF revenues from the sales amounted to \$8.3 million.

The money is guaranteed and does not rely on an appropriation. In addition it is supplemental to any regular appropriation that Congress might make to the state side of LWCF.

Salazar said a major priority for him is a complete shake-up of oil and gas policy. If the shake-up requires legislation, it would provide Salazar with an opportunity to persuade Congress to share royalty money with LWCF.

President Obama has pledged to expand oil and gas leasing from the public lands, albeit in unspecified ways. Sill, said Salazar at the press conference, "Maybe as we deal with the royalty reform issue we might be able to create a revenue stream for the Land and Water Conservation Fund and we can do for all states the kinds of things we did in Colorado with the Great Outdoors Colorado program."

The Great Outdoors Colorado (GOCO) program, established by constitutional amendment, uses a portion of state lottery money for conservation purposes. In fiscal year 2008 the program received \$114.3 million, including 40 percent for parks, recreation and open space distributed on a per capita basis. Another 10 percent went to Colorado State Parks for state park and rec projects. Finally, a remaining 50 percent was allocated to a GOCO trust fund. Salazar said he drafted the constitutional amendment that created the program.

Through fiscal 2008 GOCO had allocated more than \$650 million to more than 3,000 projects, including the creation or enhancement of more than 1,000 community parks and recreation areas.

At his press conference Salazar also said a giant economic stimulus bill (*see page one article*) should be used to protect federal conservation lands. "I want to take a similar shout out, if you will, to our national Landscape Conservation System, the National Park System, national conservation areas, national

preservation sites, all of the other areas the Department of Interior has responsibility for. There is a tremendous amount of work to be done there."

## Omnibus lands bill faces tough House floor procedure

House leaders have delayed until at least next week consideration of an omnibus lands bill (S 22.)

Further, when the House does take up S 22, it will do so under a shaky procedure called Suspension of the Rules, which requires a two-thirds majority to pass.

With conservative western Republicans opposed, despite goodies for their districts, the House must come up with 291 votes to pass the bill.

If the measure does not pass under Suspension of the Rules, it is not dead. House leaders can still bring the measure up under normal procedures, but that could take time and run the risk of amendment. And once amended the bill would have to go back to the Senate, where a filibuster could snarl the measure for a good while.

Supporters of provisions in S 22 were sounding the alarm. The National Trust for Historic Preservation and its allies said they were urging the House to accept the bill as is.

And the Southern Utah Wilderness Alliance warned its members last week, "The vote could be very close. And, if the House makes any changes to the legislation, the bill would be sent back to the Senate where it could be stalled by a lengthy filibuster."

The most controversial single item in S 22 would give Congressional certification to the 26 million-acre National Landscape Conservation System (NLCS) managed by the Bureau of Land Management.

The bill, sponsored by Senate Energy Committee Chairman Jeff Bingaman (D-N.M.), contains 161 individual mea-

asures. S 22 would designate three new national parks, designate several national trails, designate more than 1,000 miles of wild and scenic rivers, designate, 2.2 million acres of wilderness, and designate 10 national heritage areas, to name a few items.

Among many other things the bill would authorize permanently both a Preserve America program founded by First Lady Laura Bush and a Save America's Treasures program established by then-First Lady Hillary Clinton.

The Senate Energy Committee developed the omnibus lands package based on committee-passed bills. Not all committee-passed bills made the cut because both Democratic and Republican committee leaders enjoyed a veto. The idea was to produce a bill that provides something for everyone on both sides of the aisle. Bingaman said Republicans and Democrats sponsored almost equal numbers of bills in the package.

In addition to the NLCS measure, S 22 would:

\* NEW NATIONAL PARKS: Establish a Paterson Great Falls National Historical Park in New Jersey, a William Jefferson Clinton Birthplace Home National Historic Site in Arkansas, and a River Raisin National Battlefield Park in Michigan.

\* ADDITIONS TO NATIONAL PARKS: Authorize additions to 17 existing national parks.

\* STUDIES OF NATIONAL PARKS: Authorize studies of 12 sites, most as possible additions to the National Park System.

\* NATIONAL HERITAGE AREAS: Designate ten new national heritage areas (NHAs) and authorize studies of two NHAs. The new NHAs would be: Sangre de Cristo National Heritage Area, Colorado; Cache La Poudre River National Heritage Area, Colorado; South Park National Heritage Area, Colorado; Northern Plains National Heritage Area, North Dakota; Baltimore National Heritage Area, Maryland; Freedom's Way National Heritage Area, Massachusetts and New Hampshire; Mississippi Hills National Heritage Area; Mississippi Delta National Heri-

tage Area; Muscle Shoals National Heritage Area, Alabama; and Santa Cruz Valley National Heritage Area, Arizona. The study areas are Chattahoochee Trace in Alabama and Georgia and Northern Neck in Virginia,

\* PALEONTOLOGICAL: Establish stiff new penalties for disturbance of paleontological resources on federal lands.

\* NATIONAL TRAILS: Designate an Arizona National Scenic Trail; a New England National Scenic Trail; an Ice Age Floods National Geologic Trail in Montana, Idaho, Washington and Oregon; a Washington-Rochambeau Revolutionary Route National Historic Trail between Newport, Rhode Island, and Yorktown, Virginia; a Pacific Northwest National Scenic Trail from Glacier National Park, Mont., to the Pacific Ocean Coast in Olympic National Park, Wash.; and a Trail of Tears National Historic Trail in Alabama, Arkansas, Oklahoma, and Tennessee.

\* TRAILS - WILLING SELLER: Extend willing seller authority to the Oregon National Historic Trail; The Mormon Pioneer National Historic Trail; the Continental Divide National Scenic Trail; the Lewis And Clark National Historic Trail; the Iditarod National Historic Trail; the North Country National Scenic Trail; And the Ice Age National Scenic Trail.

\* WILD AND SCENIC RIVERS: Designate the following three, plus several in wilderness bills: Fossil Creek, Ariz.; Snake River Headwaters, Wyo.; and Taunton River, Mass.

\* WILDERNESS: Designate wilderness proposed in 14 different wilderness bills, including wilderness in Sequoia and Kings Canyon National Park and in Rocky Mountain National Park.

\* OWYHEE: Not only designate more than 500,000 acres of BLM-managed wilderness in central Idaho, but also establish a travel management plan for off-highway vehicles.

\* CONSERVATION AREAS: Designate in BLM a Snowy River Cave National Conservation Area in New Mexico and a Prehistoric Trackways National Monument in New Mexico.

\* BATTLEFIELD PROTECTION: Extend an existing American Battlefield Protection program through 2013 (it is about to expire.)

\* PRESERVE AMERICA: Formally establish a Preserve America program to provide grants to communities and historic preservation for "soft" preservation activities.

\* SAVE AMERICA: Formally establish a Save America's Treasures program to provide grants to federal, state and local governments as well as nonprofits to physically preserve historic facilities and items.

## **Rec and NPS commissions meet; local park woes described**

A blue ribbon commission on recreation needs was told January 30 that, unsurprisingly, state and local park agencies say their greatest need is money.

At a meeting in Washington, D.C., the recreation commission, the Outdoor Resources Review Group (ORRG), heard details of a survey on state and local needs conducted by the National Recreation Park Association (NRPA) late last year. The NRPA survey indicated that 54 percent of state park directors said money for operations and maintenance was their "greatest challenge." Another 30 percent of state park directors said money for capital projects and new construction was their great challenge.

Forty-eight percent of urban park heads chose funds for operations as their greatest challenge and 14 percent chose money for capital projects and new construction.

The data was presented to the 18-member commission by Margaret Walls, senior fellow for the Resources for the Future think tank, which is staffing the commission.

The 18-member Outdoor Resources Review Group is led by Henry Diamond, a partner with the law firm Beveridge & Diamond, and Patrick Noonan, chairman emeritus of The Conservation Fund. Sens. Jeff Bingaman (D-N.M.) and Lamar Alexander (R-Tenn.) are honorary co-chairs.

The commission hopes to complete a

report in late spring. For more information go to <http://www.rff.org/orrg> or to review slides from the meeting go to <http://www.rff.org/live>.

**PARKS COMMISSION:** A second blue ribbon commission on national parks also met last week and aims to assemble draft recommendations by late March.

The National Parks Second Century Commission made no decisions and took no votes January 27-29 at a meeting in Yellowstone National Park, said spokesman Mike Bento. But the commission is expected to consider "preliminary recommendations" at its next meeting March 29-30 at Gettysburg National Military Park, he said.

The titles of the parks commission's subcommittees indicate where members' interests lie: Natural Resources and Science; Cultural Resources and Heritage Preservation; Education and Interpretation; Visitation and Public Engagement; Future Shape of the National Park System; and Funding and Budget.

The National Parks Second Century Commission is cochaired by former Senate Majority Leader Howard H. Baker, Jr. (R-Tenn.) and former Senate Energy Committee Chairman J. Bennett Johnston, Jr. (D-La.) The National Parks Conservation Association is paying the estimated \$1 million cost for the commission.

The 30-member commission includes such national figures as former Supreme Court member Susan Day O'Connor and such national parks advocates as former deputy director Denis Galvin. Its website is at: <http://www.visionfortheparks.org/>

## Grijalva bill would lock in Grand Canyon withdrawals

Rep. Raúl M Grijalva (Ariz.) late last month moved to bar permanently uranium mining on 1 million acres of public lands adjacent to Grand Canyon National Park.

He introduced legislation (HR 644)

that would withdraw from all kinds of mineral entry land near Grand Canyon where the uranium industry has staked claims. The Forest Service had authorized some exploratory drilling in the Kaibab National Forest near the park until a court enjoined the agency.

The Bush administration rejected a previous attempt by Grijalva to block mining in the short term via a withdrawal order from the House Natural Resources Committee. On Dec. 5, 2008, BLM effectively said the House committee order was illegal and ignored it. The committee approved the order June 25, 2008.

Grijalva obviously hopes to have better luck this year from the Obama administration and Secretary of Interior Ken Salazar. "I look forward to working with the Obama Administration and Secretary of the Interior Salazar and hope to convince them to utilize their authority to temporarily protect the canyon due to the emergency circumstances existing now," said Grijalva, who chairs the House subcommittee on National Parks, Forests and Public Lands, on introducing HR 644.

Environmentalists already have a lawsuit working against the Interior Department for not implementing the 2008 House committee order to temporarily withdraw the forest land from mining. They may amend it to include the Dec. 5, 2008, BLM rule that says the law is illegal.

"We do believe the BLM regulation is illegal, and are considering all options to help protect the Grand Canyon and surrounding resources from further uranium development," said Mark Fink, senior attorney for the public lands for the Center for Biological Diversity.

The mining industry is not sitting idly by. On January 16 U.S. District Court Judge Neil V. Wake in Arizona granted intervenor status in the case to Quaterra Alaska, Inc.; the Northwest Mining Association; and Uranium One U.S.A. Inc.

In dispute is an emergency with-

drawal provision, Section 204(e), of the Federal Land Policy and Management Act of 1976. It purports to authorize either the House Natural Resources Committee or the Senate Energy Committee to authorize emergency withdrawals for up to three years.

Both the Bush administration and the House Natural Resources Committee majority base their competing arguments about the legality of Section 204(e) on a Supreme Court decision, *INS v. Chadha*, 51 U.S.L.W. 4907 (June 23, 1983.) In it the court cast doubt whether one House of Congress can direct a federal agency to act without the other house agreeing, i.e. a unicameral decision instead of a bicameral decision. The Republicans say the Supreme Court direction is absolute.

But a House Natural Resources Committee analysis earlier this year said that case demonstrates that the courts would uphold the withdrawal authority if Congress acted as a land-owner. The analysis did warn that a withdrawal as an "exercise of power" by Congress would probably violate Chadha.

Grijalva's bill to permanently withdraw the land is brief. It directs the Interior Department to withdraw 1,068,908 acres near Grand Canyon from (1) all entry under general public land laws, (2) from hard rock mining and (3) from energy leasing. The law would protect valid existing rights.

## **Congress is sorting out committee leadership posts**

The House and Senate have begun identifying majority and minority members of most committees, including subcommittee chairmen and ranking Republicans.

The most important public lands changes involve Alaskans in both the House and Senate. In the House Natural Resources Committee long-time ranking Republican and former chairman Don Young (R-Alaska) has been deposed by his own party and replaced by Rep. Richard "Doc" Hastings (R-Wash.) Young will still sit on the committee.

In the Senate Energy Committee long-time ranking Republican and former chairman Sen. Pete Domenici (R-N.M.) retired and was replaced by Sen. Lisa Murkowski (R-Alaska.) Murkowski in turn is the daughter of former committee chairman Frank Murkowski.

**HOUSE NATURAL RESOURCES COMMITTEE:** On February 4 the committee, chaired by Rep. Nick Joe Rahall (D-W.Va.), chose subcommittee chairmen. As expected Rep. Raúl Grijalva (D-N.M.) will continue to chair the subcommittee on National Parks, Forests and Public Lands. Rep. Rob Bishop (R-Utah) will retain his position as ranking subcommittee Republican.

**HOUSE APPROPRIATIONS COMMITTEE:** As chairman of the House subcommittee on Interior and Related Agencies Rep. Norman Dicks (R-Wash.) returns as the leading parks and recreation voice on the committee. Of note of the eight Democrats on the subcommittee only Dicks and Rep. Ed Pastor (Ariz.) are from the West. Rep. Mike Simpson (R-Idaho), a forceful voice for the conservative West, will serve as ranking minority members on the Interior appropriations subcommittee. He replaces Rep. Todd Tiahrt (R-Neb.)

**HOUSE TRANSPORTATION COMMITTEE:** Rep. James Oberstar (D-Minn.) continues as chairman and Rep. John Mica (R-Fla.) returns as ranking minority member. Rep. Peter DeFazio (D-Ore.) will chair the House subcommittee on Highways and Transit this year where he will be in charge of writing a massive surface transportation bill. Rep. John Duncan (R-Tenn.) will serve as ranking minority member. Rep. Eddie Bernice Johnson (D-Texas) will chair the subcommittee on Water Resources that oversees wetlands policy. Rep. John Boozman (R-Ark.) will serve as ranking minority member of Johnson's subcommittee.

**HOUSE ENERGY AND COMMERCE:** (Included here because committee will have jurisdiction over giant climate control legislation that could have major impacts on park and rec policy.) Rep. Henry Waxman (D-Calif.) will be in charge of writing climate control legis-

lation. Rep. Joe Barton (R-Texas) returns as ranking minority member.

SENATE ENERGY COMMITTEE: Sen. Jeff Bingaman (D-N.M.) keeps the committee under New Mexico chairmanship. Sen. Daniel Akaka (D-Hawaii) is a logical candidate to retain the chair of the Senate subcommittee on National Parks. Sen. Ron Wyden (D-Ore.) is expected to retain his position as chairman of the Senate subcommittee on Public Lands and Forests.

Murkowski will serve as the ranking Republican on the committee. Ranking subcommittee members have not been assigned yet. The committee picks up Sens. John McCain (R-Ariz.), Bob Bennett (R-Utah), James Risch (R-Idaho) and Sam Brownback (R-Kansas) to replace departing Sens. Pete Domenici (R-N.M.), Larry Craig (R-Idaho) and Gordon Smith (R-Ore.)

SENATE APPROPRIATIONS COMMITTEE: Sen. Dianne Feinstein (D-Calif.) will chair the Senate subcommittee on Interior Appropriations once again. Sen. Thad Cochran (R-Miss.) will continue as ranking minority member.

SENATE ENVIRONMENT AND PUBLIC WORKS COMMITTEE: Sen. Barbara Boxer (D-Calif.) will chair this panel that will be in charge of not only climate control legislation but also a new multi-year surface transportation bill. Sen. James Inhofe (R-Okla.) returns as ranking minority member.

## Notes

**NPS blasts Grand Canyon water policy.** Grand Canyon National Park Superintendent Steve Martin last month sharply criticized an Interior Department policy that governs water flows from Glen Canyon Dam through Grand Canyon. In a memo introduced in a lawsuit that protests the policy Martin attacked an environmental assessment (EA) that backs a five-year plan for releasing water from the dam. "In short, this is perhaps the worst EA I have seen for an action of this importance," Martin wrote in a memo to Mike Snyder, Intermountain Regional Director of the Park Service.

"The EA's lack of alternatives, the mistreatment and disregard of science, the lack of public involvement, the signing of a (finding of no significant impact) amidst the controversy and unresolved issues - all of these actions are in conflict with standard NPS management practices and constitute poor practice for government in general." In the lawsuit the Grand Canyon Trust objects to the Interior Department policy that minimizes high flows of water from the dam. The trust says the high flows benefit fish and beaches in Grand Canyon. The critics complain that the policy is designed to provide maximum electrical power to customers in the southwest at the expense of the park's ecology. The Public Employees for Environmental Responsibility environmental group that released the Martin letter said Secretary of Interior Ken Salazar "should first withdraw this flawed EA and then discipline the officials responsible for it."

**Grand Canyon monument plans hit.** Five environmental groups filed a lawsuit January 26 against plans that manage monuments adjacent to Grand Canyon National Park. The monuments are managed by the Park Service and the Bureau of Land Management (BLM.) The environmental groups, including The Wilderness Society and the Arizona Wilderness Coalition, said plans for the Grand Canyon-Parashant National Monument and the Vermilion Cliffs National Monument allow too many off-highway vehicles. The lawsuit says the plans could lead to destruction of cultural resources and degradation of the ecosystem on lands proposed for wilderness. The Park Service and BLM jointly manage the million-acre Grand Canyon-Parashant National Monument and BLM manages the 294,000-acre Vermilion Cliffs National Monument. President Clinton designated both the monuments in 2000 by proclamation.

**Statue of Liberty revisited.** Secretary of Interior Ken Salazar is reviewing the possibility of reopening the crown of the Statue of Liberty to tourists, a policy change long demanded by New York and New Jersey elected officials. Salazar said he is waiting for the completion in mid-April of a study

on the safety of reopening the crown, which was closed after the Sept. 11, 2001, terrorist attacks. NPS closed the narrow, 168-step double-helix staircase because of concerns about a difficult evacuation in an emergency. "We will explore all opportunities to reopen the crown while reducing risk to the public," Salazar said on visiting the site January 23. "I hope we can find a way." Sen. Robert Menendez (D-N.J.), Rep. Anthony Weiner (D-N.Y.) and Rep. Albio Sires (D-N.J.) accompanied Salazar. Weiner, a candidate for mayor of New York City, has been particularly demanding about a reopening of the crown.

#### **More heritage area bills emerge.**

Senators from Pennsylvania and Hawaii last week introduced bills to establish significant national heritage areas (NHAs) in their states. The introduction of the bills came too late to catch a ride on a giant omnibus lands bill the Senate passed January 15 and that is now before the House. Pennsylvania Sens. Bob Casey (D) and Arlen Specter (R) introduced a bill (S 349) January 29 to designate a Susquehanna Gateway NHA in southeastern Pennsylvania. Casey said the area "played a key role in the development of our nation's cultural, political and economic identity." The next day Senate Appropriations Committee Chairman Daniel Inouye (D-Hawaii) introduced a bill (S 359) that would designate a Hawaii Capital NHA centered on the state's largest city, Honolulu, on the island of Oahu. Each of the bills would authorize appropriations of up to \$10 million over time and up to \$1 million each year. Congress has designated 40 NHAs. The omnibus lands bill would designate 10 more.

#### **TRCP picks Sparrowe as head.**

Theodore Roosevelt Conservation Partnership (TRCP) has chosen Dr. Rollin Sparrowe, former president of the Wildlife Management Institute, to serve as chairman on an interim basis. He replaces James D. Range, who died January 20 of kidney cancer. Sparrowe was a founding board member of TRCP along with Range. Sparrowe also headed up the Fish and Wildlife Service Office of Migratory Bird Management for many years. TRCP united hunters, fishermen and other sportsmen to fight for the protection of

habitat across the country. Although Range and his allies criticized Bush administration plans, Range maintained a friendship with President Bush.

## **Conference Calendar**

*(Note. The National Preservation Institute conducts from three to 10 seminars a month around the country on everything from NEPA compliance to landscape protection to cemetery preservation. There are too many to list here. Contact: <http://www.npi.org>)*

### FEBRUARY

1-5. **National Association of Conservation Districts** annual meeting in New Orleans. Contact: National Association of Conservation Districts, 509 Capitol Court, N.E., Washington, DC 20002. (202) 547-6233. <http://www.nacdnet.org>.

2-4. **National Ski Areas Association** western conference at Keystone, Colo. Contact: National Ski Areas Association, 131 South Van Gordon St., Suite 300, Lakewood, CO 80228. (303) 987-1111. <http://www.nsaa.org>.

### MARCH

1-5. **Association of Partners for Public Lands** annual convention in Baltimore. Contact: Association of Partners for Public Lands, 2401 Blueridge Ave, Suite 303, Wheaton, MD 20902. (301) 946-9475. <http://www.appl.org>.

3-5. **National Forest Recreation Association** annual conference and trade show in San Diego. Contact: National Forest Recreation Association, P.O. Box 488, Woodlake, CA 93286. (559) 564-2365. <http://www.nfra.org>.

7-11. **National Association of Counties** legislative conference in Washington, D.C. Contact: National Association of Counties, 440 First St., N.W., 8th Floor, Washington, DC 20001. (202) 393-6226. FAX (202) 393-2630. <http://www.naco.org>.

12-15. **Recreation Vehicle Industry Association** annual meeting in Dana Point, Calif. Contact: Recreation Vehicle Industry Association, 1896 Preston White Drive, Reston, VA 20195-0999. <http://www.rvia.org>.