

# Federal Parks & Recreation

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## Final money bill makes cuts in most outdoor programs

The House and Senate this week approved a final fiscal year 2011 appropriations continuing resolution (HR 1473) that would reduce spending for park and rec programs by tens of millions of dollars, compared to fiscal 2010.

The continuing resolution (CR), which the President was expected to sign today (April 15), would reduce spending for federal land acquisition under the Land and Water Conservation Fund (LWCF) by \$123 million, Park Service operations by \$7 million and Forest Service recreation management by \$5.7 million.

In addition the bill would shut off money for Secretary of Interior Ken Salazar's Order No. 3310 to the Bureau of Land Management to study its lands for possible wild lands designation. HR 1473 provides money for the next six months, so theoretically Congress could restart the wild lands programs in October with fiscal 2012 spending.

Provision sponsor Rep. Mike Simpson (R-Idaho) said Secretarial Order No. 3310 illegally designates wilderness. "Only Congress has the authority to create new land designations, and I intend to restore that authority by including this provision in the CR," he said.

But the Southern Utah Wilderness Alliance in a bulletin to its members urging opposition to the Simpson provision, said, "Wilderness is a 'multiple use' which BLM has the authority to protect. The Wild Lands policy simply recognized that fact, and gave clear direction and a structure to BLM staff throughout the West to make good on their wilderness responsibilities."

On the money side of the bill Simpson's office said he tried to protect

land management agencies. Said a Simpson press release, "In the bill, Simpson focused on the core mission programs of agencies, ensuring that agencies like the BLM, the Forest Service, and the National Parks Service can continue to carry out fundamental operations that serve the American people." Simpson chairs the House subcommittee on Interior and Related Agencies appropriations.

HR 1473 carries out the big budget compromise struck by President Obama and Congress April 8 that reduces federal spending by \$37.8 billion, again compared to fiscal 2010.

Altogether the Interior and Related Agencies portion of HR 1473 would provide \$2.6 billion less than fiscal 2010, \$29.6 billion compared to \$32.2 billion.

Much of the park and rec negotiations this week focused on the Land and Water Conservation Fund. The Obama administration loves the program and House Republicans loathe it. For federal land acquisition and state grants HR 1473 would provide \$205 million, compared to \$317.9 million in fiscal 2010 and an administration request of \$434 million.

In passing its original version of a fiscal 2011 spending bill (HR 1) on February 14 the House had approved an appropriation of just \$41.1 million for federal land acquisition. Senate Appropriations Committee Democrats March 4 proposed to spend \$232.6 million.

The biggest single reduction, of sorts, in HR 1473 comes out of emergency fire fighting. The bill would rescind prior year money that has not been spent. The reduction is \$529 million compared to fiscal 2010, according to appropriators.

The agreement between the President and Congressional Republicans on total spending headed off a much-publicized possible shutdown of the federal government. It could have closed federal park and rec areas throughout the country, threatening the annual Cherry Blossom Parade in Washington, D.C.

Said National Parks Conservation

Association President Tom Kiernan just before Congress acted April 8, "Not only will a government shutdown jeopardize family vacations and school field trips to places like the Statue of Liberty and Yosemite, but it would also have a significant impact on local communities who depend on the economic return of national parks tourism."

With fiscal 2011 appropriations wrapped up, the Congressional focus now switches to fiscal 2012 spending. The House late this week is expected to vote on a fiscal 2012 budget fashioned by House Budget Committee Chairman Paul Ryan (R-Wis.)

That budget would do two things of major interest to the park and recreation community. One, it would, surprisingly, continue natural resources spending at the fiscal 2011 level of \$32 billion. That is surprising because the budget would cut almost all other domestic spending sharply. Two, it would devastate transportation-related recreation programs such as transportation enhancements by slashing transportation spending by \$21 billion, from \$85 billion to \$64 billion.

That transportation cap will almost certainly lead to much less transportation spending in fiscal 2012 and beyond, as prescribed by a multi-year surface transportation bill that the House Transportation Committee is expected to write shortly. As one lobbyist told us, "It's going to be a real challenge to maintain recreational trails, scenic byways, Safe Routes to School and other programs. We're very concerned about the outdoors, not that we don't have friends."

Here are some of the numbers in HR 1473 compared to fiscal 2010:

\* Federal side of LWCF: \$165 million, or \$123 million less than the \$277.9 million appropriation in fiscal 2010.

Further federal LWCF breakdown: BLM: \$22 million, fiscal 2010 \$29.7 million; FWS: \$55 million, fiscal 2010 \$86.3 million; NPS: \$55 million, fiscal 2010 \$86.3; and FS: \$33 million, fiscal 2010 \$63.5 million.

\* State side of LWCF: \$40 million or the same as the \$40 million in fiscal 2010.

\* State wildlife conservation grants: \$62 million or \$28 million less than the \$90 million in fiscal 2010.

\* Park Service operations: \$2.262 billion or \$7 million less than the \$2.255 billion in fiscal 2010.

\* Park Service construction: \$210 million or \$30 million less than the \$240 million in fiscal 2010.

\* Park Service recreation and preservation: \$58 million or \$10 million less than the \$68 million in fiscal 2010, but the fiscal 2010 law contained \$4.6 million for Preserve America and HR 1473 would provide no money.

\* Historic Preservation: \$54.5 million or \$25 million less than the \$79.5 million in fiscal 2010, but the fiscal 2010 law contained \$25 million for Save America's Treasures from the line item and HR 1473 would provide no money.

\* Save America's Treasures: no money compared to \$25 million in fiscal 2010.

\* Preserve America: no money compared to \$4.6 million in fiscal 2010.

\* Forest Service recreation: \$279.4 million or \$5.7 million less than the \$285.1 million in fiscal 2010.

\* Wild lands: HR 1473 would shut off money for the program for the next six months. The program had not started in fiscal 2010.

### **Proposed House GOP bill might free WSAs, IRAs for OHV use**

Leading House Republicans were shooting to introduce legislation by today (April 15) that would release 42.8 million acres of Bureau of Land Management (BLM) and national forest wilderness study areas to "possible" multiple uses.

We say "possible" because management of the lands would in all likelihood revert to land management plans, and those plans may call for protection of some areas.

A fact sheet obtained by *FPR* says the legislation would also (1) revoke the Clinton administration's 2001 national forest roadless area rule that

largely prevents road construction in 58 million acres and (2) block the Obama administration's proposed "wild lands" policy that would have BLM study roadless areas and designate wild lands on them.

The dramatic, sweeping bill was being prepared by House Majority Whip Kevin McCarthy (R-Calif.); National Parks, Forests, and Public Lands Subcommittee Chairman Rob Bishop (R-Utah); and Western Caucus Chairman Steve Pearce (R-N.M.)

Off-highway vehicle (OHV) advocates are prime supporters of the legislation, said Larry E. Smith, executive director of Americans for Responsible Recreational Access. Smith said OHVs are already allowed in a couple of BLM wilderness study areas where the use is grandfathered as a valid existing use.

"But, he said, "there are other areas where BLM could create OHV areas but land managers are afraid to do so. This bill would let them do that."

The bill has a good chance in the House, said Smith. "Bishop will move it through his subcommittee and once the subcommittee passes it the bill will go through the House (Natural) Resources Committee," he said. "With McCarthy as majority whip it should get through the House floor. It will be a different story in the Senate."

Indeed majority Senate Democrats in general support BLM wilderness study areas, Forest Service roadless areas, the Clinton roadless rule and the Obama administration wild lands policy. But once the House passes a bill it could serve as trade bait between House Republicans and Senate Democrats in end-of-year negotiations.

In a Dear Colleague letter of March 29 seeking cosponsors Bishop, McCarthy and Pearce said, "As strong supporters of multiple-use principles for our public lands, we should release public lands from restrictive management practices that are unnecessary. This bill would preserve and strengthen the robust local land management planning process by returning emphasis to

local stakeholders and local communities who know best how to manage their public lands rather than bureaucrats here in Washington."

The Southern Utah Wilderness Alliance sees it differently. The alliance told its members last week the bill "would relinquish protections for some of the nation's most iconic landscapes — including special places within the Greater Canyonlands regions like Cheesebox Canyon, Horseshoe Canyon and the Dirty Devil river corridor, all of which have been protected for over 30 years now as wilderness study areas."

Here's what the bill would do:

\* **BLM WILDERNESS STUDY AREAS (WSAs):** release 6.74 million acres of WSAs for multiple use. The land is part of the 12.27 million acres that BLM has studied in 546 WSAs and recommended as not suitable for wilderness. The released 6.74 million acres would be managed under a Section 202 Land Use Planning provision of the Federal Land Policy and Management Act of 1976.

\* **FS INVENTORIED ROADLESS AREAS (IRAs):** release 36.1 million acres studied by the Forest Service for possible wilderness designation in IRAs and recommended as not suitable for wilderness. The land was studied under a 1979 Roadless Area Review Evaluation. The released land would be managed under the Multiple-Use Sustained-Yield Act of 1960.

\* **CLINTON FS ROADLESS AREA RULE:** revoke the 2001 Clinton administration roadless area rule that limits road construction and timber sales on 58 million acres of national forest (many of them Forest Service IRAs.) It would also revoke a Bush administration roadless rule that allows states to petition for a state-specific rule to manage roadless areas in national forests.

\* **OBAMA WILD LANDS ORDER:** terminate Secretary of Interior Ken Salazar's Secretarial Order 3310 of Dec. 23, 2010, that directed BLM to study BLM roadless lands and designate qualified lands as wild lands. (Congress this week approved a final fiscal year 2011 appropri-

tions bill (HR 1473) that would shut off money for the program through September.)

## **GOP leaders suggest tough times for trails in road bill**

Republicans in both the Senate and House continue to forecast an uphill battle this for park and recreation programs in the development of a multi-year surface transportation bill.

Exacerbating the situation is a House version of a Congressional budget that would slash transportation funding in fiscal year 2012 and beyond. The budget would reduce transportation spending by \$21 billion, from \$85 billion in this fiscal year to \$64 billion next year.

Given that squeeze on transportation spending, Republican leaders are saying there is no room at the inn for superfluous transportation programs, i.e. park and rec programs. As Rep. John J. Duncan, Jr. (R-Tenn.) said at a hearing last month on a new six-year surface transportation bill, "Today, there are more than 100 highway, transit and highway safety programs. We should consolidate duplicative federal programs to eliminate waste and eliminate programs that do not serve a national need."

Although Duncan did not mention park and rec programs per se such as transportation enhancements, scenic byways, Safe Routes to Schools and earmark for trails, he did not have to. Duncan chairs the House Highways subcommittee.

The ranking minority member of the Senate Environment and Public Works Committee, Sen. James Inhofe (R-Okla.), did single out rec programs for criticism. At a hearing on a possible new surface transportation bill April 6 he said, "As I have often said, since the Highway Trust Fund has historically maintained high balances, it has become a favorite funding source for all surface transportation activities, including recreational trails, bike paths, ferry boats, and fixing city streets."

He concluded, "Simply put, there are not sufficient resources to properly

address the core responsibilities of the program, let alone the extra programs we have added over the decades. If we are serious about a long term re-authorization, we are going to have to re-prioritize the activities the federal highway program currently supports."

The transportation cap in the House budget will almost certainly lead to much less transportation spending in fiscal 2012, as prescribed by a multi-year surface transportation bill that the House Transportation Committee is expected to write shortly. As one lobbyist told us, "It's going to be a real challenge to maintain recreational trails, scenic byways, Safe Routes to School and other programs. We're very concerned about the outdoors, not that we don't have friends."

Recreation interest groups such as the BlueRibbon Coalition and the National Recreation and Park Association are encouraging their members to support a Dear Colleague letter from Rep. Tom Petri (R-Wis.) in support of the Recreational Trails Program. Petri is asking his fellow House members to back the program because it is supported by fuel taxes paid by off-highway recreational vehicles, and not by appropriations.

Petri's draft letter to House Transportation Committee leaders doesn't specify a level of authorization, but it would say, "The philosophy behind the RTP is simple: fuel taxes collected from non-highway users should benefit those who paid the taxes." The Petri letter said those taxes contribute \$84 million to the U.S. Treasury each year.

As we reported last month, President Obama signed a bill into law March 4 that extends the existing surface transportation law for seven months, or until the end of September (PL 112-5). That gives Congress a little time to write a new, multi-year surface transportation law to replace the existing law that technically expired at the end of September 2009

So here is the projected calendar for Congress to write a new surface transportation bill to replace the existing law - the Safe, Accountable,

Flexible, Efficient Transportation Equity Act: A Legacy for Users:

- \* House committee marks up a bill in April.
- \* Senate committee marks up a bill in May or June.
- \* House approves bill in June.
- \* Senate approves bill shortly after House acts.
- \* Conference committee meets in the fall.

Senate leaders have different priorities than the House leaders. To wit, Senate Environment and Public Works Committee Chair Barbara Boxer (D-Calif.) has said she will follow the template established in the last Congress by a bill from former House Transportation Committee Chairman James Oberstar (D-Minn.) That measure would have spent \$500 billion on highways and mass transit with a marked emphasis on outdoor programs.

And the Oberstar bill in turn is also providing a template for the Obama administration. It proposed a \$556 billion, six-year surface transportation program in February that would provide robust funding for such outdoor programs as transportation enhancements, recreational trails, scenic byways and federal lands roads.

The Obama budget would consolidate the programs, now funded as separate entities, into a new "Livability" line item at \$4.1 billion. Comparable programs under the existing law received \$2.9 billion in fiscal 2010.

## **IBLA says BLM may reject a ROW request involving RS 2477**

In a key test case the Interior Board of Land Appeals (IBLA) March 30 held that the Bureau of Land Management (BLM) may reject a county's application to administer a 27-mile section of road across federal land in California. The county filed a recordable disclaimer of interest (RDI) to obtain rights to the road.

The IBLA decision considers the nexus between an RDI and an RS 2477

right-of-way (ROW). The Bush administration published the RDI regulations in 2003 that some view as a procedure for counties to obtain RS 2477 ROWs across public lands, including national parks.

The RDI application at issue was submitted by San Bernardino County for a Camp Rock Road. It would be the first granted by BLM under its RDI regulations.

Judge James F. Roberts concluded that BLM was within its rights to reject the application on the grounds that the Obama administration has not yet developed a new policy on RDIs and RS 2477 ROWs.

He also held that before BLM approved an RDI, it would first have to rule on the validity of an RS 2477 right-of-way for Camp Rock Road.

Roberts said, "As we have explained, to issue the RDI requested by the County, BLM must identify the 'record interest' subject to disclaimer. Such a finding would require an administrative determination as to the validity of Camp Rock Road as an R.S. 2477 ROW."

Then he supported BLM's unwillingness to make a judgment on an RS 2477 ROW and an RDI without a new administration policy in place. "We conclude that it would be inappropriate for the Board to require BLM to make the necessary findings regarding the record interest in Camp Rock Road that would be subject to disclaimer under section 315 of FLPMA and the RDI regulations," he said. "BLM has stated, as reflected in the Deputy State Director's decision, that it will not issue RDIs for ROWs claimed under R.S. 2477 until the Department has formulated its policy with regard to the process of issuing such RDIs."

The Bush administration published the RDI regulation on Jan. 6, 2003, to implement Section 315 of the Federal Land Policy and Management Act (FLPMA). The rule authorizes an "applicant" to apply for lands where the federal interest in them has terminated or where the federal interest is invalid.

In the rule the Interior Depart-

ment did not explicitly authorize the use of RDIs to obtain RS 2477 ROWs that were used for transportation prior to FLPMA in 1976. The department said at the time separate rules already covered RS 2477s. But the department did say RDIs could be used to disclaim federal interest in an RS 2477 ROW, a key step toward obtaining an RS 2477 ROW.

San Bernardino County then filed its application for an RDI for the Camp Rock Road on April 19, 2003. BLM rejected the application because the Interior Department was "evaluating whether the RDI process is an appropriate mechanism for recognizing R.S. 2477 rights of way. . .," in the words of the BLM acting state director.

In his decision Roberts supported BLM's policy of not ruling on the RDI because it was still evaluating its RS 2477 policy. But Roberts also said that to obtain an RDI an applicant such as San Bernardino County would have to obtain an advisory determination from the Interior Department that the land in question qualifies as an RS 2477 ROW.

Said IBLA, "A prerequisite to granting an RDI under section 315 of FLPMA and 43 C.F.R. § 1864.0-2 is for the Secretary to make a determination that 'a record interest of the United States in lands has terminated by operation of law or is otherwise invalid.' Rendering an RDI with respect to an R.S. 2477 ROW would necessarily require a determination by the Secretary that the requirements of R.S. 2477 have been met."

That procedure would meet with the interpretation of RS 2477 law handed down by the Tenth U.S. Circuit Court of Appeals in a landmark decision in 2005, *Southern Utah Wilderness Alliance v. Bureau of Land Management*, 425 F.3d 735, 757 (10th Cir. 2005).

The Tenth Circuit held at the bottom line only federal courts may rule on the validity of RS 2477 ROWs. But the court did say BLM may make an RS 2477 ROW determination for its own administrative purposes.

In a related finding Roberts said

San Bernardino County erred in its assertion that the granting by BLM of an RDI and an RS 2477 ROW would give the county semi-exclusive control over the land. "The County is clearly mistaken that BLM would no longer have an interest in how the Road is maintained and/or improved," he said.

Roberts added, "BLM's interest in ensuring that Camp Rock Road, or any ROW that it administratively determines is R.S. 2477, is maintained consistent with BLM's management responsibilities under section 302(b) of FLPMA (use and occupancy rule), . . . is not one that is subject to disclaimer under section 315 of FLPMA. Any disagreement as to the scope of the interest disclaimed to the County, as an interest in an R.S. 2477 ROW, would have to be resolved in the courts."

## **House approves air tour bill different than Senate bill**

The House April 1 approved narrowly (223-to-196) a bill to change significantly air tour policy over the national parks.

The House bill (HR 658) would exempt parks with 50 or fewer air tours per year from preparation of an air tour management plan. It would also allow the Federal Aviation Administration (FAA) and NPS to develop "voluntary agreements" with air tour operators to allow overflights without a management plan.

The House bill is now expected to go to a conference committee with a Senate-passed bill (S 223) that includes quite different air tour provisions, such as one that tightly defines FAA and NPS responsibilities in governing flights over national parks. The Senate approved its bill February 17.

But a House-Senate conference committee has been the graveyard of previous legislation to reauthorize FAA programs and, secondarily, revise air tour policy. While air tour policy is a point of contention between the House and Senate, the larger disputes have been over airline unionization.

Recognizing the ongoing impasse, Congress approved last month legislation to extend the existing FAA policy through the end of May. That would supposedly give the House and Senate time to complete comprehensive new policy legislation that will govern FAA for the next four years in the case of the House bill and two years in the case of the Senate bill. President Obama signed the bill into law March 31 as PL 112-7.

The law is either the 17th or 18th (depending on who is counting) "temporary" extension of old FAA policy in the last four years.

In the multi-year authorization bills the Democratic-majority Senate and the Republican-majority House are flying in different directions in setting new air tour policy above national parks.

The Senate-approved bill would over the next two years in general tighten regulations governing overflights. Among other things S 223 would address a dispute over the division of labor between the Federal Aviation Administration and the Park Service by describing each agency's responsibilities.

In contrast the House-passed bill that would cover the next four years would in general favor air tour operators. HR 658 would exempt parks with 50 or fewer air tours per year from preparation of an air tour management plan. It would also allow the FAA and NPS to develop "voluntary agreements" with air tour operators to allow overflights without a management plan.

Both sets of legislation are designed to revise existing law governing air tours. Even though Congress wrote a major overflight law in 2000 requiring air tour management plans in national parks, no plans have been written. That impasse is allegedly caused by differences of opinion between the FAA and the Park Service (FAA tends to work for the air tour operators, NPS works for the parks).

The National Parks Air Tour Management Act of 2000 (PL 106-181 April 5, 2000) was supposed to guide the FAA and NPS in coping with ever-larger numbers

of air tours over the national parks, and in preventing accidents. FAA says it has received applications to fly over more than 100 national parks.

The Congressional disagreements over air tour operations are being fought out in the broader FAA bills that would reauthorize aviation operations in general. The House and Senate have been unable to reach an accord on FAA legislation for the last two Congresses because of fights over issues not directly related to the national parks, such as unionization of FedEx workers and additional slots and flights out of Washington D.C.'s Reagan National Airport.

The Senate overflight provision, drafted by Sen. Ron Wyden (D-Ore.), would address the old problem of the division of labor between FAA and NPS. The provision in the Senate bill essentially says FAA is responsible for controlling airspace over the country and the Park Service is responsible for protecting the parks, giving NPS more muscle in disputes with FAA.

Wyden also included language in his provision that would allow Crater Lake National Park to reject an application for air tours over the park until an air tour management plan was written. And it's highly unlikely than an air tour plan will be written anytime soon for the park.

The Senate also included in its bill a provision that would assess fees on air tour operators large enough to pay for air tour management plans. The amendment was sponsored by Sen. Tom Coburn (R-Okla.), frequently a critic of initiatives to expand the National Park Service. His amendment simply gives the Interior Department authority to assess a fee, with the amount to be determined.

The House provision, in a bill introduced by House Transportation Committee Chairman John Mica (R-Fla.), would allow parks to negotiate "voluntary agreements" directly with air tour operators now in business. The voluntary agreements would have to meet the approval of FAA and NPS.

Says the bill, "A voluntary agree-

ment under this paragraph with respect to commercial air tour operations over a national park shall address the management issues necessary to protect the resources of such park and visitor use of such park without compromising aviation safety or the air traffic control system."

## **Jarvis pushes AGO agenda with call for healthy parks food**

NPS Director Jon Jarvis April 6 capped a two-day conference that brought together the recreation and health communities by announcing national park concessioners will serve healthy, locally-grown food in the parks.

At the Healthy Parks Healthy People conference at Fort Baker, Calif., Jarvis wrapped things up by saying, "I'm taking the cue and saying that we can take the example that has been executed quite well right here at Muir Woods that healthy food, locally-grown food is good for you."

"And I am declaring today as part of our policy a healthy food strategy nationally for all our concessioners," he added. "That we will become a standard. That they will serve healthy food, locally grown and good for you as part of the national park experience."

Throughout the conference Jarvis also emphasized that visitors to the National Park System should have "fun," not always the first message of the Park Service over the last decade of dwindling visitation. He mixed the fun message with the healthy message.

"When one of our revered ex deputy directors, Denny Galvin, was asked years ago about a message for the American public on visiting the national parks, he said, 'Have fun, learn something and don't fall down,'" said Jarvis. "And that was based on our statistics that people came to the national parks for fun and have an educational experience, but the biggest statistical incidence was falling down and getting injured. I think it is time to change that a little bit to have fun, learn something and be healthy."

The Healthy Parks Healthy People conference is viewed as a springboard for implementing the recommendations of the President's America's Great Outdoors (AGO) initiative. While the AGO report released February 16 called for an integration of recreation and health, it did not lay out specific ways to bring the two together.

In welcoming remarks to the 100 or so conferees Jarvis said the conference could serve as a starting point for AGO. "The Healthy Parks Healthy People meeting is designed to strengthen the tie between outdoor recreation and health, particularly the health of youths," he said. "When you add all this up I believe it is a game changer. It has the potential to lead extraordinary change in the way we think about our public lands. You in California have watched (recent budget) threats to public parks. We need to reposition places we need to protect so they are seen in a new light."

The AGO did not anticipate the Park Service alone would take the lead in implementing its report. Indeed the report recommended the establishment of a Federal Interagency Council on Recreation chaired by Council on Environmental Quality (CEQ) Chairman Nancy Sutley.

The Council on Environmental Quality is also moving to implement the AGO report through its interagency council, according to Amy Salzman, association director for policy at CEQ.

"The interagency council held a first meeting two weeks ago. It is chaired by CEQ Chair Nancy Sutley and the deputy director of Natural Resources at the Office of Management and Budget," said Salzman. "The idea is the council ought to work in a crosscutting way. The council just approved a work plan that focuses on topical areas such as recreation, land conservation, urban parks, rivers."

She added, "The idea is to correlate interagency activities by focusing on overlapping jurisdictions, not just between Department of Interior agencies and the Forest Service but also the Department of Health and Human Services

and the Department of Housing and Urban Development and others."

The coordinating council will report to the President fairly soon. "We are refining the work plans and putting together the teams," said Salzman. "We intend to have nominees to the teams by the end of next week and to identify top priorities in the report that we can get action on quickly. The council will hold two more meetings before submitting a report to the President in September."

Jarvis said the Park Service is not necessarily the lead sponsor of the health and recreation message. "This is about the broader park community - every city park, every local park, every regional park and the state systems," he said. "The broader systems of parks. Our role, the National Park Service's role, is a convener to use our national brand to bring us all together."

"So what's next," he said to the conferees. "You have outlined a lot of things here and a lot of them organically will take off. A couple of suggestions we are going to try to do regionally. I think action takes place at the local level so we can continue to be a convener of these kinds of gatherings and I'll be tasking regional directors to carry this discussion further."

He also called for an international conference in a couple of years. "I do believe the United States should host an international healthy parks healthy people conference but I believe it should be not in (2012) but in 2013 or 2014," he said. "(2012) is going to be a politically-interesting year and I'll leave it at that."

Jarvis said he would work closely with concessioners on healthy eating in the parks. "We will do this in partnership with our great concessioners," he said, "many of whom are here. Aramark. Delaware North. And others. In discussions with concessioners over recent months we realized this is a great opportunity. It is a marketing opportunity. This is a business opportunity. This just makes sense, as we think about ways to make the national park experience a holistic experience."

## Economic impacts debated in Grand Canyon uranium bar

Although the Bureau of Land Management (BLM) has extended a comment period on a possible 20-year withdrawal of public lands from mining near Grand Canyon National Park, competing interests are already weighing in.

This time around environmentalists enjoy the support of tourism interests in Arizona, beginning with local chambers of commerce. For instance, the Sedona Chamber of Commerce last month endorsed the 20-year withdrawal.

"There is an obvious conflict between regional industrialization for uranium mining and tourism, and public perception is paramount," Jennifer Weselhoff, president of the Sedona Chamber, wrote Secretary of Interior Ken Salazar. "Tourism businesses in Gulf Coast states suffered devastating losses due to an accidental oil spill, even those that had no oil on their beaches. In addition, we cannot afford the long-term consequences if aquifers and surface waters that drain directly into the Grand Canyon are contaminated."

But that's not how the Northwest Mining Association (NWMA) sees the economic effects of a withdrawal. In a bulletin to its members the association said, "A permanent withdrawal would have a severely negative impact on the economies of northern Arizona and southern Utah as well as deny access to an important uranium resource that can dramatically reduce our dependence on foreign imports."

This debate is being conducted over a draft EIS that BLM published February 18. A preferred alternative would have BLM withdraw from uranium mining 1 million acres of BLM and Forest Service land near Grand Canyon National Park for 20 years. On March 29 BLM extended the comment period on the draft EIS from April 4 to May 4.

The 1 million acres proposed for withdrawal are temporarily withdrawn already under a "segregation notice" of July 21, 2009. It bars for two years

the filing of new uranium mining claims. Off limits are 633,547 acres of BLM land and 360,002 acres of national forest. That temporary action is scheduled to expire in late July, less than four months from now.

On release of the draft EIS Secretary of Interior Ken Salazar didn't say that the 20-year withdrawal would, for certain, become Obama administration policy. He said that a public comment period "will help make a decision that recognizes the need for wise development of our energy resources, the importance of healthy lands and waters, and the voices of local communities, tribes, states, and stakeholders."

But Sen. Orrin Hatch (R-Utah), whose state lies barely 25 miles from Grand Canyon, believes Salazar has made up his mind. "What concerns me," Hatch said in a February 15 statement, "is that the Secretary seems more interested in adding red tape to every possible form of domestic energy production in our nation. We are more than 80 percent dependent on foreign uranium, but he's shutting down \$2 billion of uranium mining in southern Utah and northern Arizona."

Arizona Sens. John McCain (R) and Jon Kyl (R) and former Sen. Dennis DeConcini (D) have consistently opposed a million-acre withdrawal.

The EIS contains four alternatives:

Alternative A (no action) would retain existing policy and no withdrawal would be made.

Alternative B (full withdrawal) would withdraw the 1 million acres for 20 years from the Arizona Strip managed by BLM and the Kaibab National Forest, subject to valid existing rights.

Alternative C (partial withdrawal) would withdraw 650,000 acres for 20 years, subject to valid existing rights.

Alternative D (partial withdrawal) would withdraw 300,000 acres containing the highest concentration of uranium claims, subject to valid existing rights.

One area of ambiguity surrounding

the withdrawal is its possible impact on valid existing rights held by owners of claims in the area. There are more than 10,000 such valid claims. Technically the claims may be developed.

However, the mining industry worries that under the overarching 1872 Mining Law claimants would also have to prove they hold valid existing rights by establishing a valid mineral discovery. Miners fear that only a limited number of claims could meet that test.

Besides, NWMA said the EIS doesn't demonstrate harm from mining. "This massive 900 + page document ostensibly details the environmental, economic and social impacts of uranium mining on the region, but fails to corroborate any of the adverse effects detractors had claimed," NWMA told its members.

But the Sedona Chamber said the economic impacts could be disastrous. "Visitation to the Grand Canyon generates more than \$687 million annually in direct, indirect, and induced revenues, and provides 12,000 full-time tourism-related jobs in northern Arizona. Sixty-two percent of visitors to Sedona also visit the Grand Canyon. Tourism in northern Arizona is directly tied to tourism at the Grand Canyon," said chamber president Wesselhoff.

Comment by E-mail to [NAZproposed-withdrawal@azblm.org](mailto:NAZproposed-withdrawal@azblm.org) and by regular mail to: Northern Arizona Proposed Withdrawal Project, ATTN: Scott Florence, District Manager, Bureau of Land Management, Arizona Strip District Office, 345 East Riverside Drive, St. George, UT 84790-6714.

## **Senators from both parties talk of writing WRDA bill**

It may be swimming against the tide of retrenchment but the Senate Environment and Public Works Committee is laying the foundation for a sure-to-be expensive Water Resources Development Act (WRDA).

At a hearing of the Senate subcommittee on Infrastructure March 31 ranking committee minority member James Inhofe (R-Okla.) endorsed the initiative

undertaken by chair Barbara Boxer (D-Calif.) "Chairman Boxer has indicated her intent to draft and move a (WRDA) this year," he said. "I would like to take this opportunity to reiterate my support for doing so."

The counterpart House Transportation Committee, which is tied up right now with surface transportation legislation, does not appear to be so eager to move a bill. It has not announced plans to develop a WRDA bill. The committee last year under Democratic control did devise a WRDA bill with more than 300 projects that would have cost \$6 billion to implement.

But House Republicans with a very few exceptions boycotted the effort because it involved earmarks of projects. And House Transportation Committee Republicans this year in a Views and Estimates Statement did not mention WRDA as a priority. The Views and Estimates were provided to the House Budget Committee last month.

Indeed the committee said it is time to eliminate "aquatic ecosystem restoration" projects because they don't generate enough money for the economy. The committee was referring to appropriations for existing projects authorized by previous WRDA laws.

The committee did make an exception for the Comprehensive Everglades Restoration Project (CERP), originally an \$8.5 billion initiative but now estimated at \$12.8 billion. The panel said, "Two aquatic ecosystem restoration projects are unique in their size and complexity and are an exception to the limitation on funding this class of project."

The two exceptions are the Everglades and coastal Louisiana, which is recovering from Hurricane Katrina. The committee said those two projects do provide economic benefits.

Congress in a 2007 WRDA law authorized only two individual CERP initiatives – an \$1.365 billion Indian River Lagoon project and a \$375 million Pica-yune Strand project. However, Congress must still appropriate money separately

to carry out those two projects.

In addition the Corps of Engineers and its partners in south Florida still must complete engineering on ten or more other projects envisioned by CERP before Congress can authorize them.

As for new projects in a new WRDA, whether for the Everglades or not, Boxer said Congress has a duty to approve them. "We believe Congress has a constitutional role to play in determining spending priorities for the Army Corps of Engineers Civil Works program," she said. "Without Congressional input, the Administration would be the sole voice in setting water resource priorities."

Despite the overall Republican objection to new spending, Inhofe consistently backs federal spending on water projects and surface transportation. He said last month, "As a fiscal conservative, I strongly support the overall goal of cutting government spending, but I firmly believe that two areas worthy of spending taxpayer dollars are defense and infrastructure. It may not be as headline-grabbing as some other areas of government spending, but investments in infrastructure – including water resources infrastructure – not only have job creation benefits, but more importantly, are essential for economic growth."

## Notes

**Gettysburg expansion bill revived.** Rep. Todd Russell Platts (R-Pa.) reintroduced legislation (HR 1335) April 1 that would make two important additions to the Gettysburg National Military Park – the Gettysburg Railroad Station and a 45-acre tract south of the battlefield. While the legislation authorizes acquisition of the properties, it directs NPS to first make all possible efforts to obtain the sites at no cost. The House approved a predecessor bill last year on March 19, 2010, by a big 373-31 vote and the measure was included in an omnibus lands bill in the last days of the last Congress. But Senate Democratic leaders were unable to get the omnibus bill to the floor. Former Sen. Arlen Specter (D) and current Sen. Robert B. Casey (D) introduced a counterpart bill last

year but Sen. Casey and new Sen. Patrick Toomey (R-Pa.) have not done so yet this year.

### **SNPLMA may boost park, rec again.**

The Southern Nevada Public Land Management Act (SNPLMA), the state's own outdoor ATM, is on line once again to provide significant conservation assistance. The Bureau of Land Management (BLM) has tentatively recommended the following expenditures from revenues gained from land sales around Las Vegas:

- \* Parks, Trails & Natural Areas - \$1,319,222
- \* Capital Improvements - \$753,105
- \* Conservation Initiatives - \$1,641,671
- \* Environmentally Sensitive Land Acquisitions - \$307,900
- \* Hazardous Fuels Reduction and Wildfire Prevention - \$1,412,800
- \* Eastern Nevada Landscape Restoration Project - \$996,100
- \* Multi-Species Habitat Conservation Plan - \$42,000

The recommendations will now be submitted to an executive committee of federal land management agency heads before being submitted to the secretary of Interior for final approval. This is the 12<sup>th</sup> round of expenditures under SNPLMA, enacted by Congress in 1998. The Nevada BLM held a series of public hearings around the state late last month and is taking comments on the recommendation through April 29 at *SNPLMA Executive Committee Chair, BLM Nevada State Office, 1340 Financial Boulevard, Reno, NV 89502-7147*, or by E-mail to: [snplma@blm.gov](mailto:snplma@blm.gov). For more information go to [www.blm.gov/snplma](http://www.blm.gov/snplma).

### **FS fee critics hit privatization.**

The Western Slope No-Fee Coalition is objecting to a Forest Service proposal to contract with a private company the operation of recreation areas in the Tonto National Forest. Coalition President Kitty Benzar said the privatization will allow a company to charge fees in areas where the law forbids the Forest Service from doing so. "The Forest Service defends recreation fees by claiming that they retain the money and use it to directly benefit the place you visited," said Benzar. "But by leasing federally owned recreation facilities to private firms, they completely discredit that argument. These fees are just another

tax, and concessionaires are just private tax collectors." The Forest Service says it will take applications by May 6 to operate in the Payson Ranger District six campgrounds, eight day-use sites, and six optional bid sites. Said the Forest Service, "The successful bidder will be responsible for providing high-quality public service in the operation and maintenance of all sites listed in the packages in accordance with the terms of the special use permit." In 2004 Congress passed the disputed recreation fee law called the Federal Lands Recreation Enhancement Act (FL-REA), which was signed Dec. 8, 2004, as PL 108-447. The law established a new system of entrance fees and user fees for federal land management agencies, with the agencies retaining 80 percent of revenues. The Western Slope No-Fee Coalition has been in negotiations with the recreation industry to revise FLREA to insure that federal land management agencies don't charge fees in undeveloped recreation areas, as the coalition charges is the case in the Tonto.

#### **New farm bill concerns sportsmen.**

A coalition of hunters and fishermen is already lobbying Congress to include in the next 2012 Farm Bill a clutch of conservation programs. But the Agriculture and Wildlife Working Group of the Theodore Roosevelt Conservation Partnership is worried that the current national budget crunch will adversely affect a Conservation Reserve Program, Wetlands Reserve Program and an Open Fields program, to name a few. "Funding will be in short supply during the important deliberations to come, and some of the most critical Farm Bill programs fail to have baseline funding or could be consolidated," said Brad Redlin, director of agricultural programs for the Izaak Walton League of America and member of the working group. The 2008 Farm Bill included significant conservation programs. Ducks Unlimited and the Izaak Walton League of America submitted testimony for an April 9 hearing on a 2012 Farm Bill held by Senate Agriculture Committee Chair Debbie Stabenow (D-Mich.)

#### **NPCA honors Baucus, novelist Barr.**

The National Parks Conservation Association (NPCA) presented its prestigious

William Penn Mott, Jr. award April 6 to Sen. Max Baucus (D-Mont.) The senator in recent years has led a campaign to protect Glacier National Park and the broader Flathead Valley from development. The Canadian government has been a partner in the project. Among other things Baucus introduced legislation (S 233) January 31 that would withdraw from mining 300,000 acres adjacent to the park in the Flathead National Forest and the Lewis and Clark National Forest. Mott was a former director of the National Park Service. NPCA also presented the Robin W. Winks Award for taking the Park Service's message to the public to novelist Nevada Barr. She has written 16 mystery stories that use the national parks as a backdrop.

**Lead ammo faulted again.** The American Bird Conservancy is touting a new report that it says demonstrates that lead ammunition poisons birds, specifically the California Condor. The conservancy, which is supporting a national campaign to eliminate lead in both hunting ammunition and fishing tackle, points to a study conducted by scientists from two universities and two federal agencies. "We now have that information in the form of sound science that connects the dots between condor deaths and lead ammunition," said Dr. Michael Fry, an avian toxicologist and director of conservation advocacy for the American Bird Conservancy. The study was conducted by scientists at the University of California, Santa Cruz, the University of Wyoming, the U.S. Fish and Wildlife Service, and the National Park Service. The Center for Biological Diversity and hunters sued EPA Nov. 23, 2010, for refusing to regulate toxic lead in both hunting ammunition and fishing tackle. EPA on Nov. 4, 2010, rejected a petition from the groups seeking a ban on lead fishing tackle. EPA said the petitioners didn't meet a requirement of the Toxic Substances Control Act that they demonstrate such a ban would be the "least burdensome alternative" to protect the health of the nation. The suit was filed in the U.S. District Court for the District of Columbia.

#### **First phase of fire policy out.**

Costs are to come later. A broad coali-

tion of federal, state, local and tribal leaders completed last month the first phase of an initiative designed to win the support of all parties for a national fire-fighting plan. The coalition outlined a broad strategy that responds to two decades of severe fire seasons that have killed citizens, burned homes and strapped the Forest Service budget. In the second phase the coalition will get down to cases such as costs. A report to Congress says, "Building upon the foundation of a cohesive strategy in the first phase, the second will identify regionalized approaches and costs associated with addressing the wildfire threat in America. Once the approaches and costs have been established, trade-off analyses will be developed with the help of risk-informed science and stakeholders input to ensure they are both efficient and effective." What the third, trade-off analysis phase will consist of is not clear. For now the Wildland Fire Leadership Council is backing two reports it completed March 28. One is titled the National Cohesive Wildland Fire Management Strategy and the other is titled The Federal Land Assistance, Management and Enhancement Act of 2009 (FLAME) – Report to Congress. The FLAME Act puts up hundreds of millions of dollars each year prior to fire season so that agencies don't have to borrow from line programs to fight fires. The Wildland Fire Leadership Council is led by Rhea Suh, assistant secretary of Interior for Policy, and Jay Jensen, under secretary of Agriculture for Natural Resources. The council also includes land management agency heads, governors,

## Conference calendar

### APRIL

20-21. **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>.

### MAY

1-4. **National Sporting Goods Association** conference in Tucson, Ariz. Contact: National Sporting Goods Association, 1601 Feehanville Drive, Suite 300, Mt. Prospect, IL 60056-6035. (847) 296-6742. <http://www.nsga.org>.

4-5. **America Boating Congress** legislative conference in Washington, D.C. Contact: National Marine Manufacturers Association, 444 N. Capitol Street, NW Suite 645, Washington, DC 20001. (202) 737-9750. <http://www.nmma.org>.

4-7. **National Ski Areas Association** annual meeting in La Costa, Calif. Contact: National Ski Areas Association, 133 South Van Gordon St., Suite 300, Lakewood, CO 90228. (303) 987-1111. <http://www.nsaa.org>.

23-26. **National Association of Recreation Resource Planners** annual meeting in Breckenridge, Colo. Contact: National Association of Recreation Resource Planners, P.O. Box 221, Marienville, PA 16239. (814) 927-8212. <http://www.narrp.org>.

### JUNE

17-21. **U.S. Conference of Mayors** annual meeting in Baltimore. Contact: U.S. Conference of Mayors, 1620 I St., N.W., Fourth Floor, Washington, DC 20006. (202) 293-7330. <http://www.usmayors.org>.

29-July 1. **Western Governors' Association** annual meeting in Coeur d'Alene, Idaho. Contact: Western Governors' Association, 1515 Cleveland Place, Suite 200, Denver, CO 80202. (303) 623-9378. <http://www.westgov.org>.

### JULY

13-15. **The International Convention of Allied Sportfishing Trades** in Las Vegas. Contact: American Sportfishing Association, 225 Reinekers Lane, Suite 420, Alexandria, VA 22314. (703) 519-9691. <http://www.asafishing.org>.

15-19. **National Association of Counties** annual conference in Portland, Ore. 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>.

18-22. **National Speleological Society** annual meeting in Glenwood Springs, Colo. Contact: National Speleological Society, 2813 Cave Ave., Huntsville, AL 35810-4331. (256) 852-1300. <http://www.caves.org>.