

Federal Parks & Recreation

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No surprise, voter survey sees national parks support

As part of the run-up to the Park Service's 100th anniversary in 2016 backers of the agency this month unveiled a poll that demonstrates broad - and deep - support for the National Park System.

Sponsored by the National Parks Conservation Association (NPCA) and the National Park Hospitality Association (NPHA), the poll is pointed very directly at Congress and Congressional support for the parks.

In an unusual move the sponsors asked the pollsters - one who usually works for Democrats and one who usually works for Republicans - to recommend strategies to politicians to respond to the poll. Hart Research Associates prepared a memo for Democratic candidates and D. Whit Ayres's North Star Opinion Research did the same for Republican candidates.

Geoff Garin, a poster for Hart Research, advised Democrats to go on the attack if Republicans attempt to cut parks spending. "Indeed, when Republicans favor budget proposals that reduce support for National Parks, especially in ways that would make them less accessible to average Americans, Democrats should be aggressive in seizing the opportunity to draw a strong contrast on this issue," he said.

And he warned that spending cuts arouse Independents in these areas: "(1) basic guest services are suffering - trails are poorly maintained, signs are missing, and restrooms are no longer clean/available; 2) there are fewer rangers to serve visitors and protect resources; and 3) some parks and historic sites have been closed."

Whit Ayres and Dan Judy prepared a counter memo for Republican candidates that was more defensive. It begins: "National parks are an American icon - never get yourself on the wrong side of the parks."

Ayres and Judy suggested that Republicans play the economic development card. "Park visitors spend approximately \$1.2 billion each year within parks at lodges, restaurants, and shops, sustaining 25,000 jobs in the parks alone," they advised. "Moreover, an estimated \$30 billion is spent in gateway communities, generating even more private sector jobs. Promoting advertising programs to attract even more tourists would provide an excellent return on investment, and would give Republican candidates a creative twist on an economic development message."

NPCA and NPHA summed up the poll results in a joint press release: "Nearly 90 percent of voters think that candidates who prioritize national parks are seen as caring about the environment, protecting our heritage for the future, patriotic, and a good steward of our nation's resources. And as the National Park Service approaches its centennial in 2016, a majority of likely voters (77 percent) say it is important for the next president to ensure that parks are fully restored and ready to serve and be relevant to future generations in their second century."

The poll results are available at www.parkpartners.org.

NPCA and NPHA now intend to brief the staffs of the House Natural Resources Committee and the Senate Energy Committee on the results of the poll, according to Derrick Crandall, counselor to NPHA. Their main champion thus far has been Senate subcommittee on National Parks chairman Mark Udall (D-Colo.)

The poll surfaces as Congress is facing a budget crisis in January 2013 that could reduce spending in the parks by five to 10 percent in fiscal year 2013. The reductions stem from a spending agreement of August 2011 that would impose the cuts, if Congress doesn't

head them off in November and December.

The poll is one piece of a much larger campaign by the Park Service, its allies and, perhaps, Congress to prepare for the Centennial of the National Park System in 2016.

The interested parties are working off a Park Service plan for the centennial dubbed *A Call to Action*. It was published on Aug. 25, 2011.

In *A Call to Action* the Park Service played down the need for increased appropriations from Congress to upgrade the parks for the centennial, but it did call for the establishment of an endowment, with an emphasis on philanthropic contributions.

As we reported in June Sen. Udall is discussing with his colleagues possible endowment legislation. But his office said the senator holds limited hopes that legislation can move this year in Congress.

Working parallel with the Park Service and Congress is a summit of interest groups cochaired by the National Parks Foundation, NPHA and NPCA. Here are some of the things the three groups are working on, in addition to the national survey:

* PR CAMPAIGN: NPS Director Jon Jarvis and the summit organizers are searching for a major communications firm, perhaps from Manhattan, to help spread the Park Service brand. Once the firm has done its work the Park Service partners would help publicize it.

* SUMMIT ACTION ITEMS: The three host groups of the summit of Park Service partners are beginning to implement the steps they agreed to at a January meeting.

The *America's Summit on National Parks* was convened with some 300 attendees from around the country in Washington, D.C., in January. It prepared the groundwork for a Statement of Principles and Action Items to follow up on the NPS *Call to Action*.

* SUMMIT SIGNATURES: The three

host summit groups are attempting to build on a master list of partner groups from around the country. Signatures now exceed 300.

Here are some of the initiatives the summit participants are working on:

ENDOWMENT: The Park Service report played down the need for increased appropriations from Congress to upgrade the parks for the Centennial, but it did call for the establishment of a \$1 billion dollar endowment. The summit seconded the motion with a goal "to provide the NPS with secure funding for the future," summed up the lead groups.

ENGAGE CONGRESS/PUBLIC: Despite the independent endowment idea, Congress must still provide baseline appropriations and support for the parks. So the participants and allied groups intend to press Congress for continued assistance.

RELEVANCE: This is not the summit's word but it is something the summit is striving for - an outreach to youths, minorities and others who have traditionally not visited the national parks. Also in the relevance basket is an increase in the use of social media.

CENTENNIAL: The 2016 100th anniversary of the National Park System provides a hard target for participants. The NPS *A Call to Action* report was released Aug. 25, 2011. The report was prepared by NPS in anticipation of the system's Centennial in 2016 and would in general not require new federal money.

In keeping with the frugal times the report treads lightly on the Obama administration's signature conservation recommendation - full funding for the Land and Water Conservation Fund at \$900 million or more per year.

As close as the report comes to recommending more money is a call for a \$1 billion legacy endowment to be assembled from philanthropic sources. And by definition that money would come from nonfederal sources.

The summit has a website, www.2016parksummit.org.

Advocates pull out stops to block rec trails opt-out

Recreationists of all stripes this month are applying a full-court press to the nation's governors to persuade them to stick with the Recreational Trails Program (RTP).

The recently enacted two-year surface transportation law (PL 112-141 of July 6) guaranteed \$85 million per year for the program, but it also authorized governors to opt out by September 1. So recreationists from hikers and bikers to snowmobilers are asking the governors not to opt out.

"We're generally doing very well and have gotten good responses from governors' offices," said Larry E. Smith, executive director of the Americans for Responsible Recreational Access (ARRA). "This is a first time thing so we realized we had to be proactive."

In a bulletin to its members ARRA confirmed, "While we anticipate that the overwhelming majority of states will elect to continue to fully fund the RTP we must do our part to ensure that all 50 Governors hear from as many RTP advocates as possible."

In a sample letter to governors the Coalition for Recreational Trails said, "The RTP has a dedicated funding source in a portion of the federal fuel taxes collected for non-highway, recreational use. This return of gas taxes to trail users is in keeping with the user-pay, user-benefit philosophy of the Highway Trust Fund. Opting out of funding for RTP would deny the benefit of these gas taxes to the people who pay them."

The Rails-to-Trails Conservancy, another member of the coalition, warned in a bulletin to its members: "Make no mistake: This question of whether governors will opt out is the first test of the strength of our movement under the new federal transportation law." The bulletin was sent by the conservancy's senior vice president of federal relations Marianne W. Fowler.

She cochairs the Coalition for Recreational Trails. The umbrella coalition includes ARRA, the American Recreation Coalition and dozens of hiking and powered recreation groups.

Complicating things the RTP money will be drawn from a large new pot of money called transportation alternatives. A number of other outdoor programs including Safe-Routes-to-School must compete for the same dollars. And in some states, such as Maine, as much as 40 percent of transportation alternatives money could go to RTP, providing an incentive for Maine's governor to opt out.

In other states, such as California, the formula is not so restrictive. Of California's estimated \$75 million transportation alternative allocation, only \$6 million would be confined to RTP.

In the broader recreation picture the highway law, called MAP-21, does NOT include \$700 million per year for the Land and Water Conservation Fund for the next two years. A Senate-passed bill that was before the conferees would have provided the money.

In a second blow MPA-21 reduces spending substantially for transportation enhancements and Safe Routes to Schools programs. It lumped them into one new line item with the Recreational Trails Program and provided \$760 million per year for the line item. That's about a \$200 million decrease.

In addition the programs would have to compete with each other and with other programs for the \$760 million.

In a third blow, after supporting a Transit in the Parks program for seven years to the tune of \$165 million, Congress put up no money for the program in PL 112-141. The program still has \$13.5 million left for this fiscal year (2012), but for fiscal 2013, beginning October 1, the spigot is off.

The Transit in the Parks program actually also applies to four other federal land management agencies,

not just to the Park Service. The money was (is) applied to alternative transportation projects, such as rail, bus and nonmotorized systems (pedestrians, bicycles and watercraft).

Eligible agencies include the Forest Service, the Fish and Wildlife Service, the Bureau of Reclamation and the Bureau of Land Management, as well as the Park Service.

The House gave final approval to MAP-21 June 29 in a 373-to-52 vote. The Senate followed on the same day with a 74-to-19 vote.

Meanwhile, recreation advocates are casting a wary eye on January when automatic, across-the-board spending cuts could be slapped on all programs, military and domestic. That is the so-called "fiscal cliff." The reductions could run as high as 10 percent of existing spending levels.

However, surface transportation programs should be mostly inoculated against across-the-board budget reductions because they are primarily financed by gasoline taxes dedicated to the Highway Trust Fund. And that money is guaranteed.

The problem in MAP-21 is that the Highway Trust Fund no longer covers all surface transportation spending, so a mix of other revenues amounting to \$7-\$8 billion was added in. And those other revenues could be hit by the across-the-board reductions.

Earmark spending: While MAP-21 eliminated earmarks, the previous surface transportation laws did not, providing billions of dollars to projects, including trail construction. On August 17 Secretary of Transportation Ray LaHood said \$470 million of leftover earmark money from fiscal years 2003 through 2006 was unspent and he ordered it freed for any highway, transit or port projects the states wish to spend the money on.

There is a catch: States must identify projects by October 1 and obligate the money by December 31.

Numbers of hunters up a lot, numbers of fishermen less so

Reversing a long decline, the number of hunters in the country increased by nine percent in 2011 compared to 2006. And by five percent compared to ten years ago in 2001.

The pattern for fishing was a little more complex. Compared to five years ago the number shot up by 11 percent, but compared to ten years ago it was down by three percent.

Still, the Interior Department was taking a victory lap. While the department was careful not to attribute the increases solely to the President's America's Great Outdoors (AGO) initiative, Secretary of Salazar didn't hesitate to mention AGO.

"Seeing more people fishing, hunting, and getting outdoors is great news for America's economy and conservation heritage," he said. "Outdoor recreation and tourism are huge economic engines for local communities and the country, so it is vital that we continue to support policies and investments that help Americans get outside, learn to fish, or go hunting. That is why, through President Obama's America's Great Outdoors initiative, we have been focused on helping Americans rediscover the joys of casting a line, passing along family hunting traditions, and protecting the places they love."

The Fish and Wildlife Service (FWS) produces the data on hunting, fishing and watchable wildlife participation every five years in a report titled the *National Survey of Fishing, Hunting, and Wildlife-Associated Recreation: National Overview*. It is available at: <http://www.doi.gov/news/pressreleases/upload/FWS-National-Preliminary-Report-2011.pdf>.

FWS did not respond to our requests for possible reasons for the increase in hunting, but the National Rifle Association (NRA) offered several possibilities.

"While it is difficult to pinpoint one specific reason as to why the number of hunters is up, what the increase shows is that the passion for hunting remains strong in America," said Justin McDaniel, an assistant editor with NRA.

McDaniel offered these possible contributing factors: "The high cost of food, the success of hunting and shooting programs run by groups like NRA, and the popularity of hunting television programs are likely among the factors that contributed to the increase. Another factor that should not be overlooked is the growing number of urban and suburban hunting seasons, often for over-populated whitetail deer, which are providing hunting opportunities close to home."

As Salazar noted outdoor recreation is an economic engine. According to FWS, national recreation-related spending increased significantly for hunting, fishing and wildlife watching except for one area - special fishing equipment. For hunting overall spending increased from 2006 to 2011 by 30 percent and from 2001 to 2011 by 27 percent.

But for fishing the numbers were not as good. Total fishing expenditures sagged by 11 percent in 2011 compared to 2006 and by eight percent compared to 2001. But the decrease was driven not by trip-related expenditures, which actually increased, but by equipment expenditures, particularly special equipment.

The decrease from 2006 to 2011 for special fishing equipment was 42 percent and the decrease from 2001 to 2011 was 44 percent.

As for watchable wildlife, visitation increased by a scant one percent from 2006 to 2011, but by nine percent from 2001 to 2011. Overall watchable wildlife expenditures also increased by seven percent over 2006 and 12 percent over 2001.

As with fishing there was a downside to watchable wildlife expenditures on special equipment. From 2001 to 2011 it decreased by 27 percent.

Dems, rec industry jump into Utah land claims debate

Forty-four House Democrats last month entered the fray over Utah's claim to 30 million acres of federal land. They asked Secretary of Interior Ken Salazar to do all he can to protect those lands.

"Such a transfer would upset the careful balancing of multiple uses mandated by Congress and destroy the unmatched natural beauty found on these lands - and take away from the American people tens of millions of acres of our common natural heritage," said the 44 House members, led by Rep. Maurice Hinchey (D-N.Y.)

Exactly what Salazar can do to stop the state's claims at this point is not clear. The state has not formally filed a legal document demanding any particular tract of land yet.

Environmentalists are watching and waiting. The Southern Utah Wilderness Alliance (SUWA) may litigate if the Utah Constitutional Defense Council applies legal claims against specific lands. But Heidi McIntosh, associate director of SUWA, said she was not sure the state would follow through.

"We are trying to draw a bead on how much political support the governor has and how many millions of dollars it would cost in attorney fees on their side," she said. "As Utah looks at how much this thing will cost the state I think there is going to be some pushback."

Utah Gov. Gary Herbert (R) signed legislation March 23 that requires the federal government to turn all 28 million acres of federal lands in Utah over to the state. But until the Utah Constitutional Defense Council writes a second law executing the transfers there is little to litigate.

The 44 House Democrats, in their letter to Salazar, also urged him to contest up to 22 lawsuits that the state has filed or intends to file to obtain control over 12,000 roads across public

lands, so-called RS 2477 rights-of-way (ROWS). Said the legislators to Salazar, "Your diligence on this issue needs to be extended to an even greater threat concerning the state's claim to own highways through these very same public lands."

The human-powered recreation industry jumped into the two Utah land battles this month with a harsh statement aimed at the state actions. The Outdoor Industry Association board of directors said industry has long regarded Utah as a home, choosing to hold its annual Outdoor Retailer conference in Salt Lake City.

But the board said it was upset about the state's claim to federal lands and its lawsuits demanding RS 2477 rights-of-way. "Of greatest concern is the governor's lawsuit challenging the federal government over jurisdiction of the federal public lands and some road claims within national parks, monuments and wilderness areas. We have not and will not sit silently on threats to the nation's recreation infrastructure," the board said.

UTAHNS HIT BACK: Meanwhile, Sen. Orrin Hatch (R-Utah) and Rep. Rob Bishop (R-Utah) have a competing complaint - that Salazar is doing too much to protect wildlands in Utah in the face of a specific order of Congress not to designate wildlands. Hatch and Bishop said the Interior Department has produced a new wildlands policy in the form of Bureau of Land Management (BLM) handbooks that violates a Congressional order not to make such designations.

"I am troubled and angered by similarities found between the contents of the hand books and the defunct Wild Lands proposal," said Bishop. "This is clearly an effort to establish 'Wild Lands 2.0' and abandons all previous commitments Secretary Salazar made to me and many other western Members to work openly and collaboratively on new land management practices."

But BLM said in a statement that it is not violating a Congressional order. "In April 2011, the BLM suspended all activities associated with

the wild lands policy and is in full compliance with Congressional direction prohibiting its implementation," the statement said.

"In suspending the wild lands policy, the BLM was also very clear that the law requires that the agency continue to maintain an inventory of lands with wilderness characteristics and consider this information as part of its land use management decision-making process," the statement added. "The manuals the BLM issued to its employees in March 2012 provide guidance about how to determine and maintain this inventory."

BACKGROUND: The State of Utah legislation follows up on generations of opposition from western Republicans to federal ownership of land within state borders. The westerners have championed without success numerous bills in the U.S. Congress to either transfer federal land to the states or to limit the amount of federal land.

The State of Utah law (HB 148) calls for the transfer of all 28 million acres of federal lands enumerated therein to Utah by Dec. 31, 2014. That includes national parks, BLM lands, national forests, wilderness areas and the Grand Staircase Escalante National Monument.

The bill establishes a Constitutional Defense Council and directs it to write legislation to administer the transfer of federal lands. The bill tells the council to determine state interests in "easements; geothermal resources; grazing; mining; recreation; rights of entry; special uses; timber; or other natural resources or other resources."

As for RS 2477 ROWs the state has already filed lawsuits to obtain almost 4,000 ROWs in 15 counties. Eventually the state intends to file suits in 22 counties.

In the RS 2477 litigation the state argues, as it has for decades, that the Federal Land Policy and Management Act of 1976 effectively gave states and counties the right to

manage old ways that had been maintained locally prior to 1976. They are called RS 2477 ROWs.

Congress and various administrations have established often-rigorous procedures for states and counties to prove claims to ROWs. The trail was made even more difficult in 2005 when the Tenth Circuit Court of Appeals ruled that only federal courts have the authority to certify RS 2477 ROWs. The court did say federal land managers could, for administrative purposes, consider roads as RS 2477 ROWs.

The landmark Tenth Circuit decision, *Southern Utah Wilderness Alliance v. BLM*, Nos. 04-4071 & 04-4073, was handed down on Sept. 9, 2005.

Huge numbers of land bills move; is omnibus possible?

With a mountain of land bills from both conservative western Republicans and liberal easterners piled up on the Hill, the likelihood of an omnibus bill emerging this fall grows by the day.

But given strong opposition to omnibus legislation from leading western Republicans and conservatives, a popular engine to pull the train is necessary. And that engine may not be easy to find.

A prime candidate is a House Natural Resources Committee-passed bill (HR 5987) that would establish a Manhattan Project unit in the National Park System commemorating the production of the atom bomb. The Senate Energy Committee on July 10 held a laudatory hearing on the Senate version (S 3300).

Another prime candidate is a House-approved bill (HR 4089) that would declare federal public lands open to hunting unless specifically closed. However, the hunting bill has complications because House Republicans piled numerous controversial provisions onto it before House passage, such as limiting a President's power to designate national monuments.

Interest groups are jumping into

the debate. The American Land Rights Alliance asked its members last week to petition their Congressmen during the August Congressional recess to oppose any omnibus lands bill.

Said ALRA, "Sen. Majority Leader Harry Reid (D-Nev.) is planning a huge omnibus federal lands bill for the lame duck session of Congress. He has not put it together yet. He will put in many bills that did not pass the Senate this year. You defeated him when he tried this tactic in 2010 by adding over 200 separate pieces of legislation into one bill. . . ."

ALRA has a powerful ally in House Natural Resources Committee Chairman Doc Hastings (R-Wash.) His office said last week that Hastings opposes any omnibus lands bill that includes measures that have not been subjected to hearings and mark-up.

"Chairman Hastings continues to oppose a monster omnibus that is stuffed with bills that have never undergone public review or been considered by the House," said an aide to the chairman.

According to the committee's count the House has approved 105 bills that the panel has approved over the last two years.

As ALRA indicated, Congress dare not attempt to move an omnibus lands bill until after the November 6 elections, meaning Congressional leaders will almost certainly make their move in November and December.

Given the enormous number of lands bills approved either by Hastings's committee or the full House or the Senate Energy Committee, Reid and his allies can do favors for a huge number of legislators in an omnibus bill. (The full Senate has passed relatively few lands bills because a single "hold" can block legislation there.)

Here are a few key bills among the several dozen that might be candidates for an omnibus bill - and that might make political trouble for an omnibus:

Natural Resources Committee approved this bill from Hastings July 11. The Senate Energy Committee held a hearing on a counterpart bill introduced by chairman Jeff Bingaman (D-N.M.) June 27.

The Manhattan Project would focus on three locations where the atomic bomb was devised and built - Los Alamos, N.M.; Oak Ridge, Tenn.; and Hanford, Wash. Most of the land and buildings would come from existing Department of Energy facilities. But the Senate bill does authorize the acquisition of private land from willing sellers.

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

More controversial are amendments that would declare hunting and fishing as "necessary" for the management of wilderness and potential wilderness areas; open national monuments to recreational shooting; authorize the import of dead polar bears; exempt hunting and fishing gear from the Toxic Substances Control Act; and require state approval of national monuments designated by a President.

*** BORDER PATROL:** The House approved this hotly-contested legislation June 19 that would require federal land managers to cooperate with Border Patrol agents who operate on federal lands near Mexico and Canada. The vote was 232-to-188. The legislation was attached to a multi-part bill (HR 2578) that addresses such other controversies as grazing rights on the public lands.

The border patrol provision would waive some dozen laws, if the Department of Homeland Security sought access to the border for security purposes. The laws include the Wilderness Act, the Endangered Species Act, the National Historic Preservation Act, the National Environmental Policy Act, the National Park Service Organic Act, the Wild and Scenic Rivers Act, and more.

*** MANHATTAN PROJECT:** The House

*** ROCKY FRONT BILL:** This bill (S

1774), introduced by Sen. Max Baucus (D-Mont.), would designate 195,000 acres of Forest Service land and 13,000 acres of Bureau of Land Management land as a Rocky Mountain Front Conservation Management Area. The land is on or near the Lewis and Clark National Forest adjacent to the Bob Marshall wilderness.

*** FOREST JOBS ACT:** This bill (S 268), introduced by Sen. Jon Tester (D-Mont.) and cosponsored by Baucus, would designate 666,260 acres of national forest wilderness, six recreation areas totaling 288,780 acres and special management areas totaling 80,

Info scant on Romney outdoor policy; Ryan provides hints

Republican Presidential candidate Mitt Romney has a slender record on federal natural resource programs, but his running mate Rep. Paul Ryan (R-Mich.) has a much fuller one.

Perhaps most important, Ryan is the lead author of a House-passed fiscal year 2013 Congressional budget that would sharply reduce natural resources spending. His budget would slash natural resource money by \$3.5 billion, reducing it from \$36.8 billion in fiscal 2012 to \$33.3 billion.

In addition a Ryan position paper infers that the Obama administration has spent too much money on natural resources. It says that natural resources spending has increased by 20.4 percent during the Obama administration and concludes, "The House-passed budget recognizes the importance of these activities, which includes overseeing water resources, conservation, land management, and recreational resources. However, bigger government has not equated to better government, and it has only led to duplication, waste, and mismanagement."

For budget purposes the natural resources line item includes federal land management agencies, the Corps of Engineers and EPA.

So the Republican platform that

emerges from the GOP's convention next week will almost certainly be starkly different on park and rec spending than the Democratic platform that is assembled the week after next.

The Obama administration is of course a known commodity. The administration's fiscal 2013 budget says it all - substantial funding for conservation spending such as for the Land and Water Conservation Fund and state wildlife grants, substantial funding for federal land management agencies, and an overall emphasis on protecting natural resources versus use of those resources.

The Romney campaign has offered little insight into park and rec policy but it has set down ambitious goals for regulations related to public land management. That is, a Romney presidency would almost certainly give first priority to expanding energy development on public lands, including in the Rocky Mountains.

However, when the Bush administration ramped up oil and gas leasing in the Rockies, it was fought tooth-and-nail in the courts by hunters and fishermen, as represented by the Theodore Roosevelt Conservation Partnership.

That could present a bit of a conflict for Ryan who bills himself as a champion of hunters and fishermen on the one hand and a champion of energy development on the other. As his website says, "I serve as an active member of the Congressional Sportsmen's Caucus. I am happy to serve in this capacity and believe in supporting policies that help sportsmen and women. Consisting of more than 300 members of Congress, the Caucus promotes and helps pass legislation that affects sportsmen. This includes issues related to conservation efforts, gun rights, and other fishing and hunting-related concerns."

The Romney campaign offers a two-pronged strategy for reducing regulations: (1) on day one Romney would "initiate repeal" of burdensome regulations and (2) when agencies

proposed new regulations they would have to provide spending offsets from existing regulations.

The Romney campaign says it would also overhaul the Clean Air Act and the Clean Water Act. While the campaign doesn't mention provisions of the Clean Air Act addressing haze over national parks, Republican-leaning companies abhor those provisions.

The environmental group Public Employees for Environmental Protection charged that as governor of Massachusetts from 2002 to 2006 Romney focused on development at the expense of open space. "Shortly after taking office, Gov. Romney created the Office of Commonwealth Development (OCD)," said PEER. "The shift of policy embodied by OCD was moving away from permanently protecting land and instead encouraging new projects in already developed areas."

In the bigger picture environmental groups have lined up squarely in the Democratic camp. The Sierra Club, the most active politically of the national green groups, has endorsed 16 Democratic Senate candidates and no Republican candidates. In addition the club has endorsed President Obama for reelection.

Rec groups join lawsuit against FS planning rule

A coalition of federal land users August 13 filed a major lawsuit against a Forest Service planning rule, complaining that it requires all species to be protected.

The plaintiffs said the rule goes beyond the demands of the National Forest Management Act (NFMA), the law that guides forest planning, by requiring the protection of all species, and not just vertebrate species. The requirement falls under the broader policy of ecological sustainability.

"By requiring each forest plan to contribute to the recovery of every federally listed species found on the forest, to seek to avoid listing

of candidate species, and to seek to maintain viable populations of all species of conservation concern - without any consideration of 'overall multiple-use objectives' - the Planning Rule goes far beyond the diversity provision of NFMA, rendering multiple-use management of the national forests impossible," said the plaintiffs in the lawsuit.

The-all species provision is one element of several in the rules that the BlueRibbon Coalition says will invite lawsuits violate the law. The coalition represents the powered recreation industry and powered recreation users.

Said coalition executive director Greg Mumm, "The new planning rules are actually more complex, costly, and procedurally burdensome than the regulations they replace. The agency has utterly failed to meet the guidelines of President Obama's directive calling for regulations to be cost effective, less burdensome, and more flexible. As written, this rule will tie the hands of forest managers and allow preservationists groups to bury any active management in endless litigation."

The 13 plaintiffs include representatives from the forestry, livestock and recreation industries, including the American Forest Resource Council, the Public Lands Council, the BlueRibbon Coalition and the California Association of 4 Wheel Drive Clubs. The suit was filed in the U.S. District Court for the District of Columbia.

In the March 23 rule the Department of Agriculture laid out this approach to species protection: "The Department intends to provide for the persistence of all (our emphasis) native species by the use of the coarse-filter/fine-filter approach, within Forest Service authority and the inherent capability of the plan area."

The rule did receive some important endorsements. Said Dale Bosworth, former service chief, "This new planning rule promotes collaboration and will continue to engage the American people throughout all stages

of planning. The Forest Service can now move forward to implement a new planning rule for the benefit of future generations."

If it is not blocked by the courts, the rule will govern the preparation of individual unit plans for the 155 national forests and 20 grasslands in the National Forest System. Those plans, required by the NFMA, govern virtually all uses in the national forests.

Under NFMA forest plans are to be revised every 15 years. However, Forest Service Chief Tom Tidwell said 68 out of 127 land management plans (some cover more than one forest or grassland) are overdue for revision.

The Forest Service said the new rule will be tested out in these eight units later this year: the Nez Perce-Clearwater National Forest in Idaho, the Chugach National Forest in Alaska, the Cibola National Forest in New Mexico, El Yunque National Forest in Puerto Rico and California's Inyo, Sequoia and Sierra National Forests.

The suit, *American Forest Resource Council v. Vilsack*, Civil No. 12-1333 of August 13, is available at: http://www.amforest.org/images/pdfs/Dkt_1_Complaint.pdf.

NPS says not to bicycle race in Colorado National Monument

The Park Service once again August 14 denied a permit to hold a stage of the big-time 2013 USA Pro Cycling Challenge in Colorado National Monument.

A Grand Junction Local Organizing Committee has been trying for the last three years to secure a permit from NPS that would let the bicyclists hold a stage in the monument. But the Park Service has consistently held that the race doesn't comport with the NPS Organic Act of 1916.

That is, the law forbids activities that would (1) harm park resources and (2) interfere with the public's enjoyment of the park.

Further, NPS said by law it may not authorize activities in a park that draw attention to the activities but not the park itself.

"A professional bicycle race will draw spectators and competitors whose presence at the monument stems from a desire to view or participate in an athletic contest, not primarily to experience the monument or its values," said park superintendent and NPS Intermountain Region Director John Wessels in a letter to the Grand Junction group.

"Moreover, the park's natural tranquility will be impaired by the activities necessary to support the race," the letter adds.

The USA Pro Cycling Challenge is a major, nationally-televised event in the professional bicycling circuit. It is held over seven days in different locations across the State of Colorado, attracting some of the world's leading riders. The 2012 Challenge began Monday, August 20, and is scheduled to end Sunday, August 26, in Denver. A 2011 race was the first.

The race says of itself, "After attracting more than 1 million spectators in 2011, making it one of the largest cycling events in U.S. history, the USA Pro Challenge is back for 2012. Featuring a challenging, 683-mile course with more than 42,000 ft. of vertical climbing, the second annual race will spotlight the best of the best in professional cycling and some of America's most beautiful scenery."

But the National Parks Conservation Association (NPCA) agrees with NPS that a race would not be appropriate for the monument. "An event like this, which would largely immobilize the site for non-spectator visitors, fails to do that on all levels. Colorado National Monument is a special place and should be enjoyed as such, not used as a backdrop for large for-profit events," said David Nimkin, senior southwest regional office director for NPCA.

Notes

Recreation.gov upgraded. The Obama administration said August 20 that it has improved a recreation.gov website to provide new services to the 7 million visitors who use it each year. For instance when a visitor plans a trip to a city such as Miami or San Francisco, the site now suggests public lands points of interests as well. Recreation.gov is first and foremost a website for making reservations to recreation facilities on public lands. It is a joint effort of the Army Corps of Engineers, the Forest Service, the Park Service, the National Archives and Records Administration, the Bureau of Land Management, the Bureau of Reclamation, the Fish and Wildlife Service, and the National Oceanic and Atmospheric Administration. The Obama administration paints the upgraded website as part of its efforts to entice domestic and foreign tourists to visit the United States and public lands.

Mead backs NPS Y' Stone plan. Wyoming Gov. Matt Mead (R-Wyo.) August 22 endorsed a preferred Park Service policy for managing snowmobiles in Yellowstone National Park, with qualifications. Those qualifications are relatively minor, such things as concerns about "stringent" standards for snowmobile emissions for the 2017-2018 winter season. Alternative 4 is the preferred alternative in a June 29 draft supplemental EIS. It would allow up to 110 "events" per day. The events would be divided among snowmobiles, snowcoaches, commercial guides and noncommercial guides. For instance, each event could include up to 10 snowmobiles. To give itself time to implement the new rule (and perhaps to stave off lawsuits) the Park Service said it would delay implementation of the new law for two years. Said Mead in a letter to Yellowstone Superintendent Daniel Wenk, "Alternative 4 best advances the purposes of the Act and is the optimum choice for managing over-snow vehicle use in Yellowstone. This Alternative balances protection of Park resources and public access to Yellowstone. I support Alternative 4. . ." The comment period on the draft EIS ended August 20.

Hunting bill disagreements. In recent issues of *FPR* we have mentioned the environmentalist complaints that a House-passed hunting bill (HR 4089) could (1) open some wilderness areas to consumptive activities and (2) open national monuments to recreational shooting. Susan Recce, a top Interior Department official in the Reagan administration, says those assertions should be tempered by the text of the legislation the House approved April 17. As for consumptive uses in wilderness areas she cites bill language that says the legislation is "not intended to authorize or facilitate commodity development, use, or extraction, or motorized recreational access or use." Of course that is not an outright ban. Similarly, for recreational shooting in monuments Recce cites bill language that says, "Nothing in this title requires the opening of national park or national monuments under the jurisdiction of the National Park Service to hunting or recreational shooting." Again that is not the outright ban that some park advocates are promoting. Recce currently serves as the director for conservation, wildlife and natural resources for the National Rifle Association. She held the position of deputy assistant secretary of Interior for Fish and Wildlife and Parks in the Reagan administration.

Maine river opening move. The Fish and Wildlife Service (FWS) took a major step August 3 toward the opening of 1,000 miles of the Penobscot River in Maine by publishing a final environmental assessment (EA). After analyzing comments on the EA (the comment period ended August 20) FWS will issue a final EA and open the way for spending money on the project. Under an agreement announced by the Interior Department and several other parties June 11 the project will consist of removal of dams along the Penobscot River and construction of a fish lift along another dam. The agreement was reached by Black Bear Hydro, the operator of hydroelectric projects along the river, a coalition of conservation groups and the Penobscot Indian Nation. The coalition - the Penobscot River Restoration Trust - has raised \$25 million of the \$62 million that will

eventually be required to carry out the restoration in eastern central Maine. FWS will contribute \$2.5 million and the National Oceanic and Atmospheric Administration \$1 million. Despite the dams the Penobscot has the largest Atlantic salmon run in the country. That run should increase exponentially after the proposal is implemented. Other migratory fish are also expected to benefit. The environmental assessment was actually prepared by the Federal Energy Regulatory Commission on May 18, 2010. FWS says its rules require it to circulate the assessment before adopting it for agency purposes.

More battlefield grants out.

The Park Service August 16 announced the award of \$1.3 million in grants for the acquisition of portions of four Civil War battlefields. They are: Averagesborough, N.C. (\$103,380); Bentonville, N.C. (\$60,380); Cool Springs, Va. (\$800,000) and Ware Bottom Church, Va. (\$367,263). The money comes from an appropriation into NPS's American Battlefield Protection Program that helps preserve land outside NPS units. The total fiscal year 2012 Civil War battlefield appropriation was just under \$9 million. The Civil War grants are separate from the \$1.3 million in grants NPS announced July 6 to help protect 75 battlefields nationwide. The July 6 grant money was sent to nonprofits, universities and local governments in 17 states. The grants, as much as \$80,000, will be used to protect battlefields from numerous wars including the Pequot War, King William's War, the Revolutionary War, War of 1812, Civil War, World War II and various Indian Wars.

Fire policy goes political.

National fire policy, once an arena of consensus, has become just another political flash point. That was made clear August 1 when the House Natural Resources Committee approved Republican-sponsored legislation (HR 6089) that would authorize governors to designate emergency hazardous fuels reduction projects in high-risk federal areas. Ranking committee Democrat Ed Markey (D-Mass.) charged the Republicans with playing politics. "In voting against reasonable proposals aimed at moving

a fire prevention and response bill forward in a bipartisan fashion, once again House Republicans showed that they are willing to put party politics and ideology over commonsense solutions," he said. The committee action followed a series of committee hearings that the committee majority used to criticize environmentalists for using litigation to block thinning projects, and thus running up fire danger. At the August 1 mark-up committee members, led by four Colorado Republicans, emphasized the positive changes in fire prevention policy the legislation would make. Said lead sponsor of HR 6089, Rep. Scott Tipton (R-Colo.), "With increased local control, states can better protect their communities, species habitats, water supplies, and natural areas with preventative action to mitigate the conditions that lead to unhealthy forests and devastating wildfires." Under Tipton's bill after a governor designated a high-risk area federal land managers would have 60 days to begin implementing projects. Still waiting in the committee's wings is an even more ambitious Republican fire control bill (HR 5744) from Rep. Paul A Gosar (R-Ariz.) and 32 cosponsors. It would establish firm deadlines for action on fuel reduction projects in at-risk national forests; would require a final decision on a project within 60 days of first notice; and would require completion of environmental documentation within 30 days of first notice.

Wildlife council members named.

The Interior Department and the Department of Agriculture August 17 named the 18 members of the Wildlife and Hunting Heritage Conservation Council advisory group. Ducks Unlimited de Mexico President John Tomke was named chairman. He was a former president of Ducks Unlimited, Inc. The council is an official advisory group under the Federal Advisory Committee Act. Sixteen of the members represent conservation groups, one is a former state official and one is an educator.

Speaking of ducks. The Fish and Wildlife Service (FWS) August 17 proposed a rule that includes duck hunting seasons and bag limits for

the coming late waterfowl season. The seasons and the bag limits are expected to at least match last year as a result of a significant increase in the estimated number of ducks in breeding habitats this spring. FWS said its initial spring Waterfowl Breeding Population and Habitat Survey places the number at 48.6 million, or a big 43 percent above the long-term average. It's also 3 million birds higher than last year. For mallard ducks alone the count is 10.6 million, or a 39 percent increase over the average of 7.6 million. At the same time the FWS report warned that breeding habitat is in decline. FWS said the number of ponds in the north-central United States was 49 percent below last year, 1.7 million compared to 3.2 million. Of course the middle of the country is undergoing a ferocious drought, a bad omen for next year. The FWS announcement is at <http://onlinepressroom.net/fws/>.

Boxscore of Legislation

APPROPRIATIONS FISCAL 2013 (Interior)

HR 6091 (Simpson). Congressional leaders July 29 agreed to base funding for all appropriations bills during the first half of fiscal 2013 on an August 2011 budget agreement. The House Appropriation Committee approved HR 6091 June 28 based on a much smaller allocation. Committee bill would sharply reduce spending.

Appropriations FY 2013 (Energy, Water)

HR 5325 (Frelinghuysen), S 2465 (Feinstein). Congressional leaders July 29 agreed to base funding for all appropriations bills during the first half of fiscal 2013 on last year's budget agreement. House approved June 6. Senate committee approved April 26.

Appropriations FY 2013 (Transportation)

HR 5972 (Latham), (S 2322 (Murray)). Congressional leaders July 29 agreed to base funding for all appropriations bills during the first half of fiscal 2013 on last year's budget agreement. Senate committee approved April 19. House committee approved June 19.

Appropriations FY 2013 (Agriculture)

HR 5973 (Kingston), (S 2375 (Kohl)). Congressional leaders July 29 agreed to base funding for all appropriations bills during the first half of fiscal 2013

on last year's budget agreement. Senate committee approved April 26. House committee approved June 19.

Congressional Budget Fiscal 2013. House Budget Committee approved March 21.

No Senate action. House would reduce natural resources spending significantly.

Appropriations Fiscal 2012 (All bills)

HR 2584 (Simpson). President signed into law Dec. 23, 2011, as PL 112-74. Would roughly maintain most outdoor programs and agency budgets at fiscal 2011 levels.

Surface Transportation.

HR 4348 (Mica). President Obama signed into law July 6 as PL 112-141. Congress passed two-year bill as Senate requested. No LWCF money. Big cuts for rec programs.

LWCF (Guaranteed Funding)

S 1265 (Bingaman). Bingaman introduced June 23, 2011. Would guarantee full funding of LWCF each year.

LWCF (Fed Lands Access)

S 901 (Tester). Tester introduced May 5, 2011. Would allocate 1.5 percent of LWCF for access to fed lands for rec.

Urban Parks

HR 709 (Sires). Sires introduced Feb. 15, 2011. Would provide \$450 million per year to rehabilitate urban parks.

Roadless Areas: No

HR 1581 (McCarthy), S 1087 (Barrasso). McCarthy introduced April 15, 2011. Barrasso introduced May 26, 2011. Would reverse Clinton roadless rule, block Salazar 'wild lands' policy, release FS and BLM roadless areas.

Roadless Areas: Yes

HR 3465 (Inslee), S 1891 (Cantwell). Inslee introduced Dec. 19, 2011. Cantwell introduced Nov. 17, 2011. Would codify Clinton roadless rule.

Hunting and Fishing Access

HR 4089 (Jeff Miller), S 2066 (Murkowski). Murkowski introduced February 2. House approved HR 4089 April 17. House bill would not only keep public lands open to hunting, but also would require state approval of national monuments.

National Monuments

HR 302 (Foxx), S 407 (Crapo), numerous other House bills. (See previous item.) House hearing Sept. 13, 2011. Foxx would require state approval of any national monument under Antiquities Act. Herger, Crapo would require Hill approval within two years.