

Federal Parks & Recreation

Editor: James B. Coffin

Subscription Services: Celina Richardson

Volume 27 Number 24, December 18, 2009

In this issue. . .

Stimulus includes outdoor money.

New House bill has 270M for state and federal land managers, \$550M for fed/Indian roads. SAFETEA extension in the works Page 1

Supreme Court takes beach case.

Considers arguments in Florida dispute over whether state owns beaches it replenishes Page 3

FS concessioners defend fees.

Say FS proposal to reduce senior discount is part of trade-off that would benefit others .. Page 4

House would extend NPS boards.

In mini-omnibus bill that cleans up omnibus lands bill. Advisory and concessioner boards Page 5

Committee okays ski resort bill.

House panel would authorize new summer uses at FS sites Page 6

Grand Canyon may get more water.

Interior working on protocol to hike Glen Canyon spikes Page 7

Montana lands bill divides rec.

TRCP, powered machine users have different takes on bill Page 8

Coalition promotes great waters.

Conservationists to work together on areas like Everglades ... Page 9

Climate senators lay out sketch.

Bipartisan three-man team describes its ideas. No fund yet Page 10

Notes Page 11

Boxscore of legislation Page 14

House approves new stimulus bill; SAFETEA may be extended

The House this week set the stage for a new economic stimulus bill next year that could provide billions of dollars for transportation projects and hundreds of millions of dollars for federal land management agencies.

The \$75 billion stimulus bill, approved by the House December 16, would also extend an existing surface transportation law throughout fiscal year 2010 until Sept. 30, 2010.

However, the Senate is preoccupied with health care legislation and does not intend to address the stimulus bill before leaving for a Christmas vacation. Therefore, the House also approved December 16 a two-month extension of the existing surface transportation law.

If the Senate accepts the surface transportation extension - and it undoubtedly will, left in the dust could be (1) \$8.7 billion in additional spending needed to head off a rescission of existing authority, (2) the second emergency economic stimulus program and (3) a six-year, \$500 billion reauthorization of a surface transportation bill.

Congressional leaders were at press time trying to keep the highway law extension simple. "The more complicated the legislation the longer it takes us," said a House Transportation Committee spokesman. "So it's significant that we work for a clean extension."

THE STIMULUS BILL: The House stimulus bill contains well over \$1 billion for federal land management agencies, states and the AmeriCorps and the National Service Trust.

In addition it would appropriate \$27.5 billion for highway infrastructure

programs, many of which would involve trails and parks. The highway money would set aside \$550 million for Indian and federal roads as follows: Indian Reservation Roads, \$310 million; NPS roads, \$170 million; Forest Highways, \$60 million; and Refuge Roads, \$10 million.

For land management activities that involve "term employment" the bill would appropriate \$50 million for the Park Service, \$40 million for the Forest Service, \$30 million for the Fish and Wildlife Service, and \$20 million for the Bureau of Land Management.

In addition the bill would appropriate for hazardous fuels reduction projects \$35 million for the Forest Service and \$20 million to the Interior Department. Finally, the bill would appropriate \$75 million for State and Private Forestry "term employment" projects overseen by the Forest Service. That's \$270 million total for federal land management agencies.

AmeriCorps and the National Service Trust would receive a separate \$200 million from the legislation. For water resource projects the Corps of Engineers would receive \$715 million. The bill would appropriate \$100 million to the Bureau of Reclamation for clean water initiatives.

The Obama administration led the way last week in the development of the stimulus legislation by recommending an infusion of about \$50 billion for infrastructure programs. The surface transportation money would be allocated proportionately in line with priorities in the existing surface transportation law, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU.) That is the money the House approved December 16 in its newest stimulus bill.

American Association of State Highway and Transportation Officials Executive Director John Horsley said the states were prepared. "States have 9,500 transportation projects ready to go with a potential value of \$70 billion that can proceed toward construction

within 120 days of enactment and after approval by the appropriate federal agency," he said.

The stimulus bill would theoretically be paid for by remaining balances in a \$700 billion bank bailout program. By some estimates the fund may contain as much as \$200 billion, with repayments from banks coming in regularly.

THE SAFETEA EXTENSION: With the Obama administration and Senate Democrats opposing enactment of a new \$500 billion, six-year transportation law, it was inevitable that Congress would not pass a big bill this year.

That did not prevent a huge coalition of highway industry officials and labor unions from pressing Congress to approve a successor to SAFETEA-LU immediately. Allied as the Transportation Construction Coalition industry and the unions conducted a joint "Call Congress Day" December 10 to demand action.

Friends of recreation on the Hill were doing their part to promote bicycling and walking programs as part of a new surface transportation bill. Twenty-five House members last month wrote House Transportation Committee Chairman James Oberstar (D-Minn.) and ranking committee Republican John Mica (Fla.) to call for three new or expanded outdoor programs.

One, the House members recommended that a Safe Routes to Schools program be expanded to include high schools. The program now addresses just elementary schools. That recommendation would follow a stand-alone bill (HR 4021) introduced by Rep. Earl Blumenauer (D-Ore.)

Two, the Congressmen recommended that bicycle interests be represented on a Department of Transportation Council on Intermodalism. Said the 25 House members, "With a historical focus on moving automobiles, it is unrealistic to expect that (the Federal Highway Administration) would represent bicycling interests as well as a representative with specific expertise and awareness of issues impacting this clean, sustainable

form of transportation."

Three, the Congressmen recommended that states be required to invest a proportionate amount of highway safety money in reducing bicycle and highway accidents.

Congress did accomplish one thing last week. On December 13 the Senate gave final Hill approval to a fiscal year 2010 Transportation appropriations bill. It merely opens the way to spend the fiscal 2010 money already authorized by SAFETEA-LU. It does not address the transportation rescission, an economic stimulus program or the six-year law transportation law.

Supreme Court wrestles with ownership of Florida beaches

The Supreme Court heard oral argument earlier this month in a case that could circumscribe state power to replenish beaches after major storms. And the case could lead to limits on public access to the replenished beaches.

The court is being asked to determine if a State of Florida renourishment project took beachfront property from private landowners when the state took control of the replenished beach. The landowners said the replenishment by the state effectively shifted the private ownership from the water's edge to the landward border of the beach.

In technical language used in the debate before the Supreme Court the property owners believe their rights should begin at the mean high water line (MHWL) and not at the erosion control line (ECL) further up the beach established after the renourishment project.

Argued the landowners in their petition to the Supreme Court, "Lost in this exchange of rights are (the property owners') ability to own, possess, and exclude persons from the beach between their homes and the MHWL. Rather, after the recording of the ECL, commercial vendors are allowed on the beach between the ECL and the new MHWL in front of (landowners') homes."

The State of Florida countered to the court that the landowners are attempting to obtain control of vast beach acreage for nothing. "(The landowners association's) view that it is legally entitled to what would amount to a substantial economic windfall (beyond what the Act already accords them) via the transfer of improved state-owned property to its side of the ledger at no cost find no support in law, logic, or equity," said the state.

The transcript of the debate indicates that the judges are split roughly four-to-four in the case with conservative judges siding with the landowners and liberal judges siding with the state. Justice John Paul Stevens owns property in Florida that is due for a replenishment program, so he recused himself.

(The transcript of the debate before the Supreme Court is available at http://www.supremecourtus.gov/oral_arguments/argument_transcripts.html. Scroll to the December 2 debate. This was the only case discussed that day.)

The case arose from state implementation of a four-decade old Florida law called the Beach and Shore Preservation Act that authorizes beach replenishment projects after storms. Florida has restored about 198 miles of the state's 825 miles of beaches under the act. The state said no property owner has ever claimed rights to restored beaches before now.

The instant case made it to the Florida Supreme Court, which sided with

Holiday Publishing Schedule for Federal Parks & Rec

Federal Parks & Recreation will not be published over the holidays so that we may take a brief vacation. Our offices will remain open. The next issue of *Federal Parks & Recreation*, Volume 28 Number 1, will be published January 15, 2010. If news breaks over the holidays, we will post an E-mail bulletin.

the state. That the Florida court became involved triggered an assertion by the landowners that the court effectively carried out an unconstitutional taking of property without compensation.

That charge triggered concern among other states that the Supreme Court would for the first time hold that a state court unconstitutionally took private property. "Since the States ratified the Fifth Amendment in 1791, however, this Court has never held that a court can be subject to a claim for just compensation under the Takings Clause," said the 26 states in an *amicus curiae* brief to the court.

The states included California, Arkansas, Delaware, Illinois, Iowa, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Jersey, Ohio, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Virginia, Washington, West Virginia and Wyoming.

For copies of the briefs filed by the parties and by *amicus curiae* go to: <http://www.abanet.org/publiced/preview/briefs/dec09.shtml>.

FS concessioners see end to senior discount as trade-off

Forest Service concessioners are taking exception to the notion that they are the villains in a new service proposal to eliminate a 50 percent discount in camping fees for holders of senior passes. The proposed new discount would be lowered to 10 percent.

The concessioners, allied as the National Forest Recreation Association, view the proposal as a trade-off - slightly higher fees for seniors to prevent higher fees for everyone else, including youngsters.

"In this context, the reduction in some senior pass camping discounts should be seen in the broader context of a financial give-and-take intended to make it feasible for concessionaires to increase free and discounted use at other sites," said Warren Meyer, presi-

dent of Recreation Resource Management.

In an interview with *FPR* last week Meyer said young people, whom governments are trying to attract to the outdoors, are paying the freight for senior citizens. "Clearly senior citizens are being subsidized by other customers," said Meyer. "Young folks are charged higher fees to subsidize senior citizens."

Meyer, whose company manages more than 175 facilities in national forests, national parks and state parks, said private concessioners have a small profit margin and the senior discounts virtually eliminate the profit margin. "It blows a hole in any incentive for us to retain the status quo in fees," said Meyer, who is also treasurer of the National Forest Recreation Association. "We charge from \$15 to \$18 a night in regular fees. With the senior discounts we have to raise fees for younger groups. Most fee increases are driven by the 50 percent discount."

In its December 1 proposal the Forest Service recommended a set of changes for privately-operated campgrounds in the national forests, about half of all campgrounds. In addition to reducing the senior citizen deduction, it also proposed to require concessioners to eliminate day-use fees at day-use sites where visitors hold annual passes. Under existing service policy concessioners may charge fees.

The Forest Service proposal opened a disagreement between concessioners and recreation user groups such as the Western Slope No-Fee Coalition. The user groups charged that the service in its December proposal was caving in to concessioners. The users said the service was intentionally confusing old Golden Age and Golden Access passports with an America the Beautiful Passport that was made available beginning in 2007.

"The Forest Service is not showing good faith by changing the terms of the passes after the fact," said Western Slope No-Fee Coalition President Kitty Benzar. "They encouraged people to turn in their Golden passes, which guaranteed

a 50 percent camping discount, in exchange for (an America the Beautiful) pass which does not, without telling them that they were giving up an important benefit."

Benzar added, "If they can't find a practical way to distinguish between the two types of passes, the only fair thing to do is to continue to offer the 50 percent discount to both groups."

Warren of the campgrounds owners is aware of the criticism. "I'm not naive that there is a core of people - both in the Forest Service and outside groups - that resents any fees on public lands. . . But it's a fact of life that the public lands can't ever be managed for recreation just with appropriations."

Warren qualified, "The majority of the people I speak to, their ire is aimed at day-use fees. They are more receptive to paying fees at developed campgrounds."

The brouhaha over campground fees follows on the heels of an attempt by the Western Slope No-Fee Coalition to persuade House members to introduce legislation to repeal a comprehensive federal lands recreation fee law.

The coalition said negotiations stalled when the House members insisted on major amendments to the existing law, rather than outright repeal.

After the controversial Federal Lands Recreation Enhancement Act was enacted in Dec. 8, 2004, as PL 108-447, critics such as the no-fee coalition charged that federal agencies became too eager to make money from fees at the public's expense. Agencies retain 80 percent of fees.

The critics maintain that federal land management agencies - the Forest Service in particular - have gone overboard in collecting entrance fees to broad areas that include developed sites. The law authorizes entrance fees at developed sites but not in the larger areas, say the critics.

The Forest Service will take com-

ment on its campground fees proposal until February 1 by E-mail to: <http://www.regulations.gov> or to: U.S. Forest Service, Attn: Carolyn Holbrook, Recreation and Heritage Resources Staff, 1400 Independence Avenue, S.W., Stop 1125, Washington, D.C. 20250-1125.

House would extend NPS boards in miscellaneous parks bill

The House approved legislation (HR 3804) December 7 without a formal vote that includes 15 changes to existing law affecting the National Park System.

Among other things the bill would reauthorize for 10 years a national parks advisory board and a national parks concessions board.

The bill, sponsored by Rep. Paul Tonko (D-N.Y.), now goes to the Senate where the measure has not yet appeared on the screen of the Senate Energy Committee. A committee spokesman said no one on the staff was "familiar with" HR 3804. But when it gets to the committee, he said, "We'll look forward to giving it a good look."

HR 3804 for the most part makes technical corrections to past legislation, including a landmark omnibus lands bill (PL 111-11 of March 30) that included 160 individual bills

However, not all House members considered the items in HR 3804 routine. Rep. Henry Brown (R-S.C.) said that the House Natural Resources Committee should have held hearings on the extension of the national parks advisory board and the national parks concessions board.

On extending the National Parks System Advisory Board he warned that the panel had been used to delay agency decisions. "The board has recently been reauthorized through annual appropriations bills, but issues such as conflicts of interest, membership qualifications, and the independence of board members who work for organizations that receive funds from the Department of the Interior should be addressed by Congress," said Brown.

Tonko defended the extension, saying, "A full, 10-year reauthorization of the Board is critical to maintaining the excellent management standards set by the National Park Service."

Of the parks advisory board and a National Park Service Concessions Management Advisory Board, Brown complained, "(T)hese boards have been used as 'plums' by sitting administrations, Republican and Democrat. The National Park System has many strong supporters in Congress, including me, but I do not think we help the Park Service by enacting unexamined provisions of law buried in a technical corrections bill."

Again, Tonko defended the concessions board provision. "Reauthorization of this board is important to ensure that the lodging, transportation, dining and other services provided to park visitors are of the very highest quality," he said.

In other areas the bill would increase a spending cap for the Volunteers in Parks program from \$3.5 million to \$10 million. And at the request of the Park Service the bill would change the name of the Martin Luther King, Jr. National Historic Site in Atlanta to the Martin Luther King, Jr. National Historical Park.

Despite Brown's objections the House approved the bill with a two-thirds voice vote.

House panel approves year-round rec in FS ski resorts

The House Natural Resources Committee December 16 approved legislation that would give ski resorts located in national forests broad authority to host year-round recreation uses.

Before passing the measure the committee modified an original bill (HR 2476) to meet Forest Service demands that Congress place limits on the year-round uses. The committee would forbid clearly inappropriate uses by requiring new uses to be harmonious with existing sites on national forest land.

The legislation, introduced by Rep. Diana DeGette (D-Colo.), is designed to benefit all interests by providing communities with year-round recreation opportunities while providing ski resort owners with additional year-round income.

Said DeGette, "My bill creates new recreational opportunities for millions of Americans who visit ski areas every year. It will encourage families and kids to spend more time outdoors. It will also provide substantial benefits to local economies."

The National Ski Areas Association is solidly behind the legislation. The association represents 121 ski areas on national forests in Arizona, California, Colorado, Idaho, Montana, Nevada, New Hampshire, New Mexico, Oregon, Utah, Vermont, Washington and Wyoming.

Most of the nation's largest ski facilities are located on national forest land. The resorts pay a complicated set of fees to the federal government for long-term permits.

Not everyone is on board. At a Senate Energy Committee hearing on a counterpart bill (S 607) from Sen. Mark Udall (D-Colo.) October 29 the Colorado Wild group expressed numerous concerns.

Testifying for the association, executive director Ryan Bidwell said the bill provides no limits on where in national forests the activities would occur, the bill does not constrain uses to developed areas and the bill provides ski permit holders with a competitive advantage over other kinds of recreation permit holders.

At the Senate hearing the Forest Service also expressed some qualms, many of which were addressed by the House Natural Resources Committee. For one thing Joel Holtrop, deputy chief of the National Forest System, was apprehensive about the broad scope of activities the original bill would authorize.

The original bill says the "Secretary may authorize the holder of a ski area permit issued pursuant to subsec-

tion (b) to provide on National Forest System land subject to the ski area permit such other seasonal or year-round natural resource-based, outdoor-developed recreational activities and associated facilities (in addition to skiing and other snow-sports) as the Secretary determines to be appropriate."

But the House committee at the December 16 mark-up added some curbs in a substitute amendment DeGette said she worked up in consultation with the Forest Service, ski resorts and environmentalists. Among other things the substitute would require new facilities to be harmonious with the existing environment.

"We want to make sure it's not Day-Glo and Ferris wheels," said DeGette. With strong support from committee Republicans (Rep. Rob Bishop (R-Utah) offered particularly high praise) the committee approved the bill with a voice vote.

Salazar predicts more high-water flows into Grand Canyon

The devil is in the details, but the Interior Department committed itself last week to conducting more frequent high water flows through Grand Canyon National Park from Glen Canyon Dam.

Under the Clinton and Bush administrations the Bureau of Reclamation conducted three high-flow experiments from 1996 to 2008. Secretary of Interior Ken Salazar said December 10 he wants to conduct more such tests to build up sand bars in particular and the Grand Canyon ecosystem in general.

"Today, I am directing the development of a protocol for conducting additional High Flow Experiments at the dam," Salazar said December 10 in a video message to a Colorado River Water Users Association conference in Las Vegas.

But when and how often the tests will be conducted remains to be seen. The department said the tests would occur when enough sediment builds up to

meet a "trigger." That trigger point will be developed in the protocol.

The protocol will be based on studies of past high-water flows now being conducted by the U.S. Geological Survey, said a department spokeswoman. Those studies are expected to be completed within a month.

The release of high volumes of water from Glen Canyon Dam has long been a flashpoint of contention between the National Park Service and environmentalists on one side and power companies and communities on the other side. The power companies and the communities rely on the dam for water and electricity.

The Interior Department said the new protocol would protect water and electricity users because it would "not change the annual amount of water to be released" from the dam. The department did not mention peaks and valleys of supplied water and power, just a total.

The dam was constructed in 1966. After environmentalists filed a lawsuit a federal court ordered the government to protect Grand Canyon's ecosystem. Without the high volume flows, sand bars in the park eroded and, environmentalists say, various fish species approached extinction.

Given that pressure from environmentalists the Bureau of Reclamation in 1996, 2004 and 2008 conducted high-flow experiments. In the most recent experiment in early March 2008, the bureau released 41,500 cubic feet of water per second (cfs) for 60 hours from a power plant and bypass tubes at Glen Canyon Dam. The bureau said that releases from the dam generally ranged between 8,000 and 20,000 cfs.

But the Park Service and environmentalists charged that one-time, rare experiments would not maintain sand bars and the ecology in the park. Grand Canyon superintendent Steven Martin said at the time that occasional releases are not good enough - the department should authorize similar massive flows every year. Under a Bureau of Reclamation five-year plan the 2008 release is to be

the last big release for five years.

"Analysis of the draft Environmental Assessment and proposed action (including strict limitations on future flows, a short-duration steady flow regime in the latter part of the monsoonal period, and other key factors) indicates these measures would likely result in impairment of the resources of Grand Canyon National Park," said Martin in comments to the Bureau of Reclamation prior to the 2008 release.

At the time the National Parks Conservation Association agreed with Martin, saying the department policy did not comply with a 2006 Grand Canyon Management Policies.

Rec interests don't agree on Montana wilderness bill

Two groups of recreation interests are taking quite different positions on a major Montana lands/wilderness bill introduced by Sen. Jon Tester (D-Mont.)

Powered recreation users deplore the possible loss of the "Crown Jewel of Western Snowmobiling" - Mount Jefferson. But an alliance of hunters and fishermen is an enthusiastic supporter of the measure.

The bill (S 1470) was due to take an important step forward yesterday after press time in a Senate Energy Committee hearing. The hearing should open the way for committee consideration of the bill early next year, which would in turn make S 1470 a candidate for any omnibus lands bill later in the year.

The BlueRibbon Coalition, representative of powered vehicle interests, advised its members in a December 9 alert urging a protest to the Senate, "DO NOT wait until this bill gets pushed through via some Omnibus package 'all or nothing' deal."

A main thrust of the Tester bill, introduced July 17, would set aside 677,000 acres of national forest and Bureau of Land Management land for wilderness. But the measure would also

designate a new Big Hole National Recreation Area and set aside specific forest areas for snowmobiles and bicycles.

To Conrad Anker, a mountaineer and author, the bill of necessity includes trade-offs. Writing in the *Bozeman Daily Chronicle*, he said, "For conservationists, having more land designated as wilderness is certainly a sticking point. Conversely, the proposed 51 miles of motorized trail to be closed, out of 6,736 accessible miles, is a drawback for motorized users. When two disparate groups such as these both quibble, it is a sign that the act is indeed a balance of various user groups and their respective needs."

But the BlueRibbon Coalition is aggressively criticizing provisions of the measure. "This is a very dangerous situation," the coalition's alert said. "Tester's bill has numerous and serious flaws. Senate staff have said they are planning to fix the problems via amendment, but the bill is in committee without one single change."

The coalition continued, "In addition to locking away more than 600,000 acres of public lands as Wilderness, this bill will permanently close one of the most popular snowmobile destinations open today - Mount Jefferson."

Hunters and fishermen have a different perspective - the amount and kinds of habitat made available to sportsmen by the bill. And their alliance, the Theodore Roosevelt Conservation Partnership (TRCP), is all for it.

"When a map of the geographic areas incorporated into the Forest Jobs and Recreation Act is overlaid on the TRCP Sportsmen Value Maps, we see that every area included in the bill is ranked by Montana sportsmen as 'moderate to high value' bread-and-butter hunting and fishing areas," said Bill Geer, director of the TRCP Center for Western Lands. "These are the areas in which sportsmen in 43 clubs in 32 towns across the state say they want the hunting and fishing values retained in the face of development. S 1470 would enable that conservation."

Great coalition formed to advocate for Great Waters

More than 30 conservation groups teamed up December 8 to begin a concerted push to protect the large water bodies in the nation.

The new America's Great Waters Coalition will look to climate change legislation, among other places, for help. Asked if a climate change natural resources adaptation fund is a place to start, Chad Lord, director of water programs for the National Parks Conservation Association, said, "Absolutely, we think those kinds of provisions are absolutely necessary."

"We would love to see long-term dedicated funding to support great waters," he said. "But," he conceded, "in the short-term we will be working for traditional appropriations."

Lord said the coalition was formed to bring the groups' combined firepower to bear in support of individual areas. Those areas include such massive water bodies as the Great Lakes, the Chesapeake Bay, the Gulf of Maine, the Puget Sound and the Everglades.

The coalition will address any and all threats to those water bodies, including "sewage contamination, invasive species, habitat destruction and climate change," the groups said.

According to the *Public News Service* the coalition is asking \$10.5 billion for Everglades restoration alone. That money would help federal, state and local governments carry out a Comprehensive Everglades Restoration Project that Congress authorized - but did not finance - in 2000.

A couple of Congressmen joined the conservationists at their launching, including Eddie Bernice Johnson (D-Texas) and Tim Bishop (D-N.Y.) Said Johnson, "The degradation of our nation's great waters has a serious environmental and economic impact on our communities. I look forward to working with America's Great Waters Coalition to

improve these important ecosystems."

The National Wildlife Federation appeared to spearhead the coalition. Said federation President Larry Schweiger, "It's time to lift all boats and restore the waters that millions of people depend on for their health, jobs and way of life. Restoring America's great waters will benefit the country's economy and environment - and will be vital in addressing the impacts of global warming."

The climate change fund, formally the Natural Resources Climate Change Adaptation Fund, is included both in a House-passed climate change bill (HR 2454) and in a Senate Environment and Public Works bill (S 1733.) (*See following article.*)

The fund would provide billions of dollars to protect natural resources. In a major difference from the House bill S 1733 would guarantee money in the fund. The House would subject distribution of the money to appropriators in annual spending bills. By one estimate the House climate change bill would provide a natural resource fund with an average of \$2.6 billion per year.

The Senate bill would allocate 61.5 percent of the fund money to federal agencies and 38.5 percent to states. Of the federal money it would allocate 25 percent to the Interior Department for adaptation activities; 12 percent to the Land and Water Conservation Fund for Interior Department agencies, the Forest Service and states; five percent to Forest Service adaptation activities; seven percent to the Department of Commerce for coastal and marine adaptation; and 12.5 percent for estuarine and freshwater adaptation in programs administered by EPA and the Corps of Engineers.

Organizations participating in America's Great Waters Coalition include: Alliance for the Great Lakes, American Rivers, Audubon New York, Biodiversity Project, Chesapeake Bay Foundation, Citizen's Campaign for the Environment, Committee on Middle Fork Vermilion River, Corsica River Conser-

vancy, Environment America, Environmental Defense Fund, Everglades Law Center, Florida Wildlife Federation, Freshwater Future, Friends of the Chemung River Watershed, Gulf of Maine Restoration and Conservation Initiative, Gulf Restoration Network, and Illinois Council of Trout Unlimited.

Also participating are the: Indiana Wildlife Federation, Izaak Walton League of America, Lake Erie Region Conservancy, League of Conservation Voters, Michigan United Conservation Clubs, Michigan Wildlife Conservancy, Milwaukee Riverkeeper, National Audubon Society, National Parks Conservation Association, National Wildlife Federation, People for Puget Sound, Planning and Conservation League, Restore America's Estuaries, Save The Bay - San Francisco, Save the Dunes Conservation Fund, Sierra Club, The Watershed Center - Grand Traverse Bay, The Wetlands Initiative, Tip of the Mitt Watershed Council, Trout Unlimited, Washington Wildlife Federation, and Western Lake Erie Waterkeeper Association.

The wildlife federation is hosting a website for the initiative, <http://www.nwf.org/greatwaters>.

Team of climate senators has optimism but no details yet

The three-senator team that is supposedly developing a bipartisan "framework" for climate change legislation said last week that it has reached agreement on a sketch of that framework.

The team members - Sens. John Kerry (D-Mass.), Joe Lieberman (I-Conn.) and Lindsey Graham (R-S.C.) - said they were optimistic their sketch would lead to Congressional enactment of climate change legislation next year.

The team said that working with their colleagues, "Together, we can and will pass climate change and energy independence legislation this Congress."

However, the sketch contained no details pertinent to park and rec management other than a broad goal to re-

duce carbon pollutants by 17 percent in the "near term." The sketch addressed neither management direction to state and local governments to respond to climate change nor to the establishment of a natural resource fund from levies on carbon producers.

So the *status quo ante* persists. That is, the Senate Environment and Public Works (EPW) Committee November 5 approved a comprehensive climate change bill (S 1733) that would profoundly revise management of the nation's parks and recreation areas. The House approved a counterpart bill (HR 2454) June 26.

The EPW committee bill has been declared too aggressive to gain Senate approval by Senate leaders so Kerry (an original sponsor of S 1733), Lieberman and Graham are trying to fashion a bill that the Senate will pass.

On December 10 Kerry, Lieberman and Graham wrote President Obama to trumpet the progress they were making, noting that the EPW bill "informs us."

EPW Chairman Barbara Boxer (D-Calif.) gave some praise to the negotiating team at a December 14 press conference. "I feel it's realistic," she said of the framework. "It's up to the negotiators. I'm not going to disrupt the negotiations because there are so many things on the table that require give-and-take. I think the President is good at this and the team is very good at this. We'll see how it comes out."

Senate Majority Leader Harry Reid (D-Nev.) had hoped to gain Senate passage of a climate change bill this year but due to disagreement on the details and the higher priority given to health care legislation the Senate didn't get to it.

Just before Thanksgiving Reid put out the word that he won't bring the legislation to the Senate floor until spring.

The Republican minority is digging in its heels, buoyed by a controversy involving E-mails sent by climate change

scientists. The scientists were apparently seeking to limit criticism of their research.

Republican senators also charge that the Obama administration is implementing new climate change policies before Congress can pass a new law. One of their concerns is Secretary of Interior Ken Salazar's Secretarial Order #3280 of September 14 that directed land management agencies to consider climate change in all land management decisions.

Sen. John Barrasso (R-Wyo.), chairman of the Western Congressional Caucus, inferred that the Secretarial Order is premature.

WHAT THE LEGISLATION WOULD DO: The Senate committee bill, S 1733, and the House bill, HR 2454, would make major changes in the management of conservation programs on federal and state lands by revising fundamentally management priorities on those lands. The bills would have every federal agency or department complete a plan to comply with standards in the legislation. States would have to take similar actions.

The bills would establish a Natural Resources Climate Change Adaptation Fund that would provide billions of dollars to protect natural resources. In a major difference from the House bill S 1733 would guarantee money in the fund. The House would subject distribution of the money to appropriators in annual spending bills.

In addition S 1733 and HR 2454 are targets for riders to guarantee \$900 million per year for the Land and Water Conservation Fund. Senate Energy Committee Chairman Jeff Bingaman (D-N.M.) and Senate Finance Committee Chairman Max Baucus (D-Mont.) recently introduced a bill (S 1933) to do that. An aide to Bingaman said the legislation stands the best chance of enactment if it were added to some other must-do bill, such as the climate legislation.

Notes

Yellowstone winter season begins.
Yellowstone National Park opened to

snowmobile use this week, but not on all roads. A lack of snow prevented the park from opening some roads to either snowmobiles or snowcoaches. However, on those roads closed to snowmachines the park will allow snowmobile and snowcoach guides to bring their guests into the park on wheeled vehicles. Park spokesman Al Nash said that as soon as the park receives snow it can gear up for oversnow access within 24 hours. The park said it did have enough snow to allow snowmachines at the South Entrance and in several other areas. But the East Entrance road won't open until December 22. It is not unusual for the park to have insufficient snow on its December 15 winter opening date. It has happened 16 times in the last 57 years. The Park Service published a winter use rule November 20 that establishes a cap of 318 snowmobiles per day this winter and a cap of 78 snowcoaches per day. Access for both kinds of vehicles must be guided. The rule will apply for the next two winters while NPS prepares a more permanent plan. The State of Wyoming filed a new lawsuit November 20 against the rule, but said it won't try to block it this winter. Wyoming Gov. Dave Freudenthal (D-Wyo.) says the 318-snowmobile cap is too low. Environmentalists oppose any snowmobile use in the park but have not attempted to defeat the rule in court.

Canadian gold threat to Glacier?

Montana's U.S. senators are trying to head off development of a gold deposit in Canada 10 miles upstream from Glacier National Park. They wrote Secretary of State Hillary Clinton December 10 asking her to pressure Canada to at least delay approval of any mining. "This type of development in such close proximity to the Flathead River and the U.S. boundary poses a serious risk of irrevocable harm to the pristine resources of the basin," wrote Sens. Max Baucus (D) and Jon Tester (D.) The alarm bell rang for Baucus and Tester when the Max Resource Corporation announced it had discovered high-grade gold in a 29 square-mile area of the Flathead Valley. The senators wrote Clinton, "We are writing to reiterate the request in August 2009 that you engage Canada in bi-lateral discussions to establish permanent protections

for the Flathead, and that you request that Canada conduct a full, Federal environmental assessment of these mining activities before they continue."

ASARCO to pay for clean-up. The giant mining company ASARCO has agreed to pay \$194 million to pay for the reclamation of a dozen sites around the country that have been harmed by mining operations. The sites, many of them in the West, have suffered loss of migratory bird habitat, loss of fish, damage to water supplies, and other damage over the last century, the government charges. The \$194 million is part of a larger \$1.79 billion payment ASARCO is making to federal and state governments to reclaim 80 sites around the country. The Interior Department will spend the \$194 million via its Natural Resource Damage Assessment and Restoration Fund. The largest allocation of \$79.5 million will be allocated to a Bunker Hill Superfund Facility in the Coeur d'Alene Basin of Idaho. Another \$28.9 million from the \$1.79 billion total payment will be allocated by EPA to a Coeur d'Alene Custodial and Work Trust for the Bunker Hill facility.

Court shuts Calif. OHV park. A state judge in California earlier this month closed an off-highway vehicle (OHV) recreation area until California State Parks obtains a waste discharge permit. The December 8 decision of Superior Court Judge Frank Roesch touched off a new battle between OHV users and conservationists. The conservationists who brought the complaint to the judge, including the California Sportfishing Protection Alliance, charged the state with allowing discharges of "prodigious quantities of heavy metals" from OHVs into a creek. The Carnegie State Vehicle Recreation Area is east of Livermore in central California. But OHV users said regulatory agencies are satisfied with state parks management of the area and the litigation could close the park to more than 100,000 visitors. The closure could not come at a worse time for visitors, say the OHV users, because the State of California is struggling with its budget and can barely keep state parks open. It could take several

months for California State Parks to obtain the permit.

Calif. OHV money for new users?

Environmentalists in California have secured a legal opinion that the \$60 million the state receives each year for an off-highway vehicle (OHV) fund may also be spent on non-OHV recreation. The environmentalists say the extra money may provide a badly needed source of revenues for the struggling state park system. Under an existing state policy California spends the money from the fund only on projects that benefit powered recreation vehicles. But environmentalists such as the Public Employees for Environmental Responsibility (PEER) argue, and the California Legislative Counsel agrees, that the money may be spent on any non-OHV recreation project. That is only fair, said Karen Schambach, PEER California field director, because most of the money allocated to the fund (83 percent) comes from taxes on street vehicles. "The lion's share of fuel tax revenues that make up the OHV Trust Fund come from people driving on dirt roads to access hiking, fishing or camping and these people should be able to benefit from their own tax contributions," Schambach said. In a December 9 letter to Daphne Greene, deputy director of the California Off-Highway Vehicle Division, Schambach said the old California state policy has also impaired Forest Service Travel Management decisions by implying less state money was available for national forest projects. More information is available at <http://www.peer.org>. California Gov. Arnold Schwarzenegger (R) in July signed legislation that cut the California State Parks budget for this fiscal year by \$14.2 million. California State Parks immediately began trying to determine which parks to close. The parks department said it believed it must close 100 or more units to comply with the budget. This fall Schwarzenegger's administration found enough money to keep the parks open, if barely.

ERRATA on Canyons of the Ancients.

In the last issue of *FPR* (December 4) we erroneously said Canyons of the Ancients National Monument in Colorado is managed by the Park Service. It is managed by

the Bureau of Land Management.

Arizona Snowbowl dispute deepens.

Sen. John McCain (R-Ariz.) said last month he will place a "hold" on all Department of Agriculture nominations until the department approves a planned expansion of the Arizona Snowbowl resort. The expansion has been held up for years by litigation that McCain said was settled when the Supreme Court earlier this year declined to consider the case. That left in place a Ninth U.S. Circuit Court of Appeals decision that rejected objections of the Navajo Nation that the project would impair the San Francisco Peaks. The tribe considers the area a religious site under the Religious Freedom Restoration Act that must be protected. The department has approved improvements to a beginners' area, but McCain said that is only a piece of the larger project. The Arizona Snowbowl is located in Flagstaff in a mountain range known as the San Francisco Peaks. The Arizona Snowbowl has an average snowfall of 260 inches a year and has a 2,300-foot drop. It is the largest ski resort in Arizona. "It is wholly inappropriate that without any legitimate explanation the Department can claim the right to delay an approved Forest Service action upheld by the Supreme Court," McCain wrote Secretary of Agriculture Tom Vilsack last month. "Quite frankly, every public land user and Forest Service permittee should be deeply trouble by the Administration's actions. Please be assured that I will maintain my hold on all USDA nominees over this matter."

Save America's Treasures awards.

The Park Service announced December 9 the award of \$9.5 million in Save America's Treasures grants. The money is to be used by 41 organizations and agencies to conserve cultural and historic sites. The President's Committee on the Arts and the Humanities announced the grants jointly with the Park Service. Save America's Treasures has awarded more than 500 competitive grants over the last 10 years. The agencies received 409 applications in fiscal 2009 alone. Among the projects receiving grant money this year are restorations of the David Burnham, Stanford White and

Frank Lloyd Wright buildings.

TRCP boss Cooper resigns.

George Cooper, president of the Theodore Roosevelt Conservation Partnership (TRCP), resigned his position effective January 1. Cooper has been president of TRCP, a broad coalition of sportsmen, for three years and a staff member for seven years. He will be replaced on an interim basis by Diane Craney, a certified public accountant. TRCP has played an increasingly large role in national outdoor policy debates in the last few years as an advocate for hunters and fishermen. Among other things TRCP aggressively contested in federal agencies and the courts President Bush's initiative to expand oil and gas development in the northern Rockies.

NPS honors cultural workers.

The Park Service said December 3 it will honor three employees with 2008 cultural resources awards - H. Thomas McGrath, Jr., Dr. Jeanne Schaaf, and Robert Fox. The awards, including \$2,500 in cash, are named for three long-time NPS employees: Roy E. Appleman, a historian; Henry A. Judd, an historical architect; and Ralph H. Lewis, a curator. McGrath was honored for his 20 years as superintendent of the Park Service Historic Preservation Training Center in Frederick, Md. and the preservation of barns, cabins, lighthouses, canals, ships, fortifications and historic houses. Schall, chief of cultural resources for the Lake Clark National Park and Preserve in Alaska, was honored for management of numerous cultural resource projects. And Fox was honored for his work in preserving structure and landscapes at Weir Farm National Historic Site in Connecticut.

Hellmann to head NPS Hill office.

Don Hellmann, a 15-year veteran of the Park Service legislative affairs office, has been chosen to head that office. As assistant NPS director for Legislative and Congressional Affairs, he will be the park's top emissary to the Senate and House. The appointment became effective on its announcement December 7. Before coming to the Park Service Hellmann worked for The Wilderness Society for seven years.

Boxscore of Legislation

LEGISLATION

STATUS

COMMENT

Appropriations fiscal 2010 (Interior)

HR 2996 (Dicks)

President Obama signed into law October 30 as PL 111-88.

Would provide broad increases for park and rec programs.

Appropriations fiscal 2010 (Energy and water)

HR 3183 (Visclosky)
S 1436 (Dorgan)

President Obama signed into October 28 as PL 111-85.

Would roughly maintain FY 2009 levels. Senate reduces Everglades money.

Appropriations fiscal 2010 (Agriculture)

HR 2997 (DeLauro)

President Obama signed into October 21 as PL 111-80.

Would restore some conservation money, but would leave EQIP short.

Appropriations fiscal 2010 (Transportation)

HR 3288 (Olver)

Congress gave final approval December 13.

Would not make up Highway Trust Fund shortfall.

Congressional Budget 2010

H Con Res 85 (Spratt)
S Con Res 13 (Conrad)

House approved April 2.
Senate approved April 2.

Would allow for increased natural resources spending.

Appropriations Stimulus

HR 1 (Obey)

President Obama signed into law Feb. 17 as PL 111-5.

Allocates some \$4 billion to federal land management agencies to help revive the economy.

Appropriations 2009 (DoI, FS, Corps, Transportation, etc.)

HR 1105 (Obey)

President Obama signed into law March 11 as PL 111-8.

Provides modest increases for most park and rec programs.

LWCF revival

HR 3534 (Rahall)
S 2747 (Bingaman)

House hearings in September. Bingaman introduced Nov. 6.

Both would guarantee full funding of \$900M per year.

UPAR revival

HR 3734 (Sires)

Sires introduced October 6.

Would establish \$445 million urban park grant program in HUD.

Omnibus Lands Bill

S 22 (Bingaman)
HR 146 (Holt)

President signed into law March 30 as PL 111-11.

Includes 160+ individual bills, including NLCS, new national parks.

National Landscape Conservation System

HR 404 (Grijalva)
S 22 (previous item)

Grijalva introduced Jan. 9.
Included in omnibus (above.)

Gives NLCS official designation by Congress.

Grand Canyon withdrawal

HR 644 (Grijalva)

House subcommittee hearing July 21.

Would withdraw 1 million acres of federal land near Grand Canyon NP to prevent uranium mining.

Surface Transportation

HR 1329 (Blumenauer)
S 575 (Carper)
S 1036 (Rockefeller)
Unnumbered (Oberstar)

Blumenauer introduced March 5.
Carper introduced March 11.
Rockefeller introduced May 12
House subcommittee approved Oberstar bill June 24.

Blumenauer would establish a piece of a surface transportation law with climate change money. Rockefeller would establish broad goals for law. Oberstar would extend outdoor programs for six years.

FLREA (rec fee law) repeal

S 868 (Baucus)

Baucus introduced April 22.

Would repeal the comprehensive federal rec fee law.

Fire suppression

HR 1404 (Rahall)
S 561 (Bingaman)

Included in Interior money bill above.

Establishes an emergency fire-fighting fund to limit agency borrowing.

Ski area uses

S 607 (M. Udall)
HR 2476 (DeGette)

House committee approved **December 16.**

Would specify that ski resorts on national forest land may allow non-skiing recreation uses.