

Federal Parks & Recreation

Editor: James B. Coffin

Subscription Services: Celina Richardson

Volume 28 Number 3, February 12, 2010

In this issue. . .

Salazar promises \$900M for LWCF.

He says Obama budget proposal of a \$116M hike is a step toward full funding. Supporters praise, but NRPA says more money needed to avoid park closures Page 1

Budget foresees freeze, or worse.

For most park and rec programs paid for by an Interior approps bill. Land managers hit ... Page 3

Smokies deal avoids costly road.

Feds will pay county \$52M. It's cheaper than \$600M road and less damaging to environment Page 4

Senate Dems start on roads bill.

Would extend SAFETEA-LU for one year. Part of Stimulus 2 .. Page 5

Y'stone snowmobile rule in works.

NPS seeks advice on EIS that may lead to permanent rule Page 6

OHVers criticize FS RWA limits.

Fault proposal for tough rules on recommended wildlands ... Page 7

Budget picture dim for non-DoI.

Request for Corps, Transportation and Farm Bill falls short .. Page 8

Green Budget is unlike Obama's.

Calls for major increases instead of freezes and cutbacks Page 9

Penalties for OHV damage asked.

Coloradoans would crack down on federal lands abuses Page 10

Notes Page 11

Conference calendar Page 12

Obama requests \$116 million increase for regular LWCF

As part of its Treasured Landscapes initiative, the Obama administration asked last week for a substantial increase in spending in fiscal year 2011 for the Land and Water Conservation Fund (LWCF.)

All told the administration recommended \$619 million for the program, although not all the money would go to the traditional state and federal sides of LWCF.

The budget, released February 1, would appropriate \$384 million for federal land acquisition, compared to a fiscal 2010 appropriation of \$265.3 million, and \$50 million for state grants, compared to a fiscal 2010 appropriation of \$40 million.

As for the broader Treasured Landscapes program, the administration budget also recommends a stepped-up program to restore failing ecosystems, such as the Everglades.

"We must fully fund this great legacy (LWCF,)" Secretary of Interior Ken Salazar said February 1 at an Interior Department ceremony announcing the fiscal 2011 budget. "President Obama's budget includes \$619 million for LWCF. This is a 27 percent increase over 2010. And the 2010 budget was a 38 percent increase over 2009. We are well on our way to achieving a fundamental goal for this department. We hope to reach - and will reach - the \$900 million dollar mark by 2014."

But to reach that goal for LWCF the administration may have to make deep cuts in other programs. Indeed, in the fiscal 2011 budget the Obama administration called for an overall freeze on discretionary domestic spending. That translated into roughly flat federal

land management agency budgets that would actually decrease if and when agencies had to eat fixed costs. (See related articles page 3 and page 8.)

Ranking House Natural Resources Committee Republican Doc Hastings (R-Wash.) criticized the LWCF proposal: "(I)n today's budget proposal, the Administration included an additional \$170 million to buy more public land through the Land and Water Conservation Fund - bringing total funding for the program to \$620 million. When the National Park Service already has a \$9 billion maintenance backlog, most Americans would agree that purchasing more government land does not qualify as a 'need.'"

(Hastings \$170 million citation refers to an across-the-board \$170 million increase in all LWCF spending, not just to the increases in traditional federal and state sides of the program.)

Supporters of LWCF such as the Trust for Public Lands were pleased with the \$619 million recommendation for a program that as recently as fiscal 2008 received just \$155 million.

"In the face of the current economic downturn, investing in close to home outdoor recreation and conserving important natural resource lands is more important than ever," said Kathy DeCoster, vice president of the Trust for Public Land. "A reinvigorated LWCF will expand opportunities for Americans to enjoy outdoor activities and will ensure that our public lands continue to be a valuable cultural and economic resource for our country."

The National Recreation and Park Association (NRPA) said the proposed increase in state LWCF money is welcome, but that state and local governments are in such tough budgetary straits that they are threatening to close parks - or shift them to other uses.

"State and local parks in the U.S. are in danger of being closed or diverted to uses such as leasing for gas drilling or cell phone towers," said Barbara Tulipane, CEO of NRPA. "What would happen if, in ten years, there

would be no open space for communities? No way for children to connect to nature? No way for people to engage in safe outdoor recreation? The negative economic, environmental and health consequences are scary to think about."

LWCF is currently authorized by Congress at \$900 million per year, but it receives far less than that in appropriations. The program is financed by a fund that receives revenues from offshore oil and gas royalties. In 2008 the fund had swollen to \$17 billion.

In addition to traditional land acquisition the Obama fiscal 2011 budget would transfer \$100 million of LWCF money to a Forest Service-run Forest Legacy program and \$85 million to a Fish and Wildlife Service-run Endangered Species Conservation Fund.

Not all the land acquisition money would be used to acquire traditional conservation lands. Of the \$83.7 million allocated to the Bureau of Land Management, \$42 million would be set aside to buy land for wild horse and burro corrals.

At the Interior budget briefing, Salazar said the administration will consider a significant onshore oil and gas royalty increase. No one made the link, but that money could provide Salazar with guaranteed revenues to finance, say, the state side of LWCF.

Here is a recap of the Obama administration's fiscal 2010 request:

* STATE LWCF: an increase of \$10 million, or \$50 million compared to a fiscal 2010 appropriation of \$40 million;

* STATE WILDLIFE GRANTS: no change, or \$90 million compared to a fiscal 2010 appropriation of \$90 million;

* FEDERAL LWCF: an increase of \$106 million, or \$384.1 million compared to a fiscal 2010 appropriation of \$277.9 million;

* URBAN PARKS AND RECREATION RECOVERY: no money, the same as fiscal 2010;

* FOREST LEGACY: an increase of

\$23.7 million, or \$100.1 million compared to a fiscal 2010 appropriation of \$76.5 million;

* HISTORIC PRESERVATION STATE GRANTS: no change, or \$46.5 million compared to a fiscal 2010 appropriation of \$46.5 million; and

* SAVE AMERICA'S TREASURES: a decrease of \$25 million to nothing, from a fiscal 2010 appropriation of \$25 million.

Obama budget asks freeze on outdoor money, as expected

The Obama administration February 1 asked Congress to freeze overall domestic discretionary spending in a fiscal year 2011 budget request.

Within that freeze there were few park and recreation winners and lots of losers. Only the Land and Water Conservation Fund was a clear winner. (See *previous article*.)

Causing some heartburn for federal land management agencies in the Interior Department is a proposal for the agencies to eat \$108.7 million in fixed costs. That money would effectively come out of the hide of site managers in the Park Service, the Fish and Wildlife Service, and the Bureau of Land Management

For instance the budget proposes a modest \$35 million increase for Park Service operations, from \$2.262 billion in fiscal 2010 to \$2.297 billion in fiscal 2011. But once those additional fixed costs and inflation are figured in, individual parks may actually face decreases.

Said Phil Voorhees, senior fellow for the National Parks Conservation Association, "If you're a park manager and you can't cover fixed costs, you've got to find the money somewhere. The administration did a great job last year of helping the parks recover but we're now going back to the way it was."

Recreation and Preservation programs in the Park Service face major reductions, even before subtracting fixed costs. The budget would cut \$17.4

million from the program, reducing it to \$51 million from \$68.4 million. Most of the cuts would come from heritage area grants (an \$8.8 million reduction) and statutory earmarks (a \$5.9 million reduction.)

After a year of significant spending increases the theme of the fiscal 2011 Obama budget is austerity as the President has pledged to freeze discretionary domestic appropriations for the next three fiscal years.

In one big increase last year Congress approved a 16 percent \$4.66 billion hike in a fiscal 2010 Interior and related agencies appropriations bill, from \$27.58 billion to \$32.24 billion.

In a second increase last year Congress approved an economic stimulus law (PL 111-5 of Feb. 17, 2009) that provided the Interior Department with just over \$2 billion, not counting road construction and energy efficiency projects. The Forest Service received just short of \$1 billion.

* FIRE SPENDING SHUFFLE: In the fiscal 2011 budget request the Obama administration proposed a restructuring of sorts of its fire suppression budget. The budget calls for three levels of funding beginning with \$595 million for standard suppression spending, \$291 million for an emergency FLAME fund and \$282 million for a new contingency emergency fund controlled by the President. That's a total of \$1.168 billion, or \$242 million less than a comparable appropriation of \$1.410 billion in fiscal 2010.

However, per direction from Congressional appropriators, the budget request actually increases fire preparedness activities by \$333 million to \$1.008 billion, in a way offsetting the suppression deduction.

The Interior Department fire-fighting budget contains a similar three-tier system with a total of \$934 million compared to \$856 million in fiscal 2010. The Interior money consists of \$763 million for fire management, \$96 million for the FLAME account

and \$75 million for the President's contingency fund.

Here is a recap of fiscal 2011 Obama budget recommendations:

* NPS OPERATIONS: an increase of \$35.3 million, or \$2.297 billion compared to a fiscal 2010 appropriation of \$2.262 billion;

* NPS CONSTRUCTION: a decrease of \$44.6 million, or \$195.2 million compared to a fiscal 2010 appropriation of \$239.8 million;

* NPS RECREATION AND PRESERVATION: a decrease of \$17.4 million, or \$51 million compared to a fiscal 2010 appropriation of \$68.4 million;

* PARK SERVICE CENTENNIAL CHALLENGE: a decrease of \$5 million from \$10 million in fiscal 2010 to \$5 million;

* FOREST SERVICE RECREATION: an increase of \$8 million, from \$285.1 million in fiscal 2010 to \$293.2 million;

* FOREST SERVICE TRAILS: a decrease of \$2.3 million, from \$85.4 million in fiscal 2010 to \$83.1 million;

* FS LEGACY ROADS AND TRAILS: a decrease of \$39.6 million, from \$90 million in fiscal 2010 to \$50.4 million;

* BLM RECREATION MANAGEMENT: essentially the same, or \$68.1 million compared to a fiscal 2010 appropriation of \$68.4 million; and

* FWS REFUGE MANAGEMENT: a decrease of \$3 million, or \$500 million compared to a fiscal 2010 appropriation of \$503 million.

Smokies pact pays county \$52M to head off expensive road

Secretary of Interior Ken Salazar and local officials executed an agreement February 6 that will avoid construction of an expensive North Shore Road in Great Smoky Mountains National Park.

Instead the federal government will pay \$52 million to a local community, Swain County, which wanted the road. Congress put up an initial \$12.8 million payment in December as a rider to a fiscal 2010 Defense Appropriations Act. The county will not receive cash payments, but rather the money will be

placed in a trust fund and the county will receive the interest.

Swain County and the federal government have been fighting over the road since World War II when the federal government flooded a local road to create Fontana Lake as part of the Tennessee Valley Authority. The Fontana Dam project provided electricity for the war effort. To compensate the county, the federal government promised to construct the North Shore Road.

But when the cost of road construction soared and environmentalists protested, Congress and the Bush administration agreed in 2008 not to build the road and to give Swain County a cash payment instead. It has taken until now to work out the details. The \$52 million buy-out will avoid as much as \$600 million in construction costs for the road.

Salazar said the agreement should benefit all parties. "The federal government is providing a fair settlement to the people of Swain County while ensuring the protection of Great Smoky Mountain National Park," he said.

Rep. Heath Shuler (D-N.C.) who represents the area, said, "It has been evident for years that the North Shore Road would never be constructed. This settlement, once finalized, will allow all the citizens of Swain County, regardless of their position on the road's construction, to join together for Swain County's future."

The Swain County Board of Commissioners approved the agreement February 5 and the Interior Department and the county signed the agreement the next day. Salazar did not attend the signing ceremony because of a blizzard but Great Smoky Superintendent Dale Ditmanson read a statement for him.

Shuler's office said the remaining \$39.2 million will be paid to Swain County in ten annual disbursements. The first is included in the fiscal year 2011 Obama administration budget request. The money will be placed in a trust, from which the state treasurer will allocate interest each year.

Four parties have participated in the negotiations - the NPS, Swain County, the State of North Carolina and the Tennessee Valley Authority.

The North Shore Road would have run through inaccessible land on the north end of Lake Fontana to old graveyards. In the 1940s the inaccessible land was transferred to the National Park Service as part of Great Smoky Mountains National Park.

But as the price of the road rose along with its potential to cause environmental damage, legislators such as Sen. Lamar Alexander (R-Tenn.) objected. The Park Service effectively agreed with Alexander on May 25, 2007, and it prepared an EIS with the buy-out as a preferred alternative to building the 34.3-mile road.

As part of the agreement the national park will provide transportation to the graveyards on decoration days.

Environmentalists were pleased. Said Don Barger, National Parks Conservation Association senior regional director, "This is one for the history books. The wildest region of the park will stay wild, and future generations will be able to experience its isolation and grandeur."

Senate inches toward SAFETEA extension; livability alive

The Senate at press time was under the whip to pass a second stimulus bill with significant money for outdoor programs - both through roads projects as well as through federal land management agency projects.

Senate Democratic leaders have recommended that the bill provide some \$80 billion. Among other things, the Democrats would extend the existing surface transportation law through February 2011. Congress had previously extended the existing SAFETEA-LU law (the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users) through the end of this month.

The Senate Democrats said there would be a substantial infrastructure component to their stimulus bill, but exact numbers have not been released.

The American Association of State Highway and Transportation Officials reported that as of January 7 an initial stimulus bill (PL 111-5 of Feb. 17, 2009) has created work on 630 miles of bike lanes, sidewalks and related projects. Go to: <http://recovery.transportation.org>.

The House on December 16, 2009, passed a second economic stimulus bill (HR 2847) that is more ambitious than the Senate leaders' recommendation. The House bill would provide \$27.5 million for highway projects and would extend SAFETEA-LU through September.

The House bill would also appropriate money to create jobs on federal lands. For "term employment" activities it would put up \$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 House 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.

Because the existing SAFETEA-LU extension ends February 28 and because of the nation's devastating unemployment situation, Congress is under great pressure to complete a new stimulus bill as soon as possible. The crisis is compounded by the fact that Congress intends to take next week off, leaving only one week until the deadline.

Complicating the situation is the almost intractable Senate opposition to increased federal spending.

* LIVABILITY THRIVES: Meanwhile, despite national budget woes a new Obama administration "livability" scheme con-

tinues to gain traction. The fiscal year 2010 administration budget proposes an initial \$527 million livability program administered by the Department of Transportation.

Of the \$527 million, \$200 million would help communities plan transportation alternatives to integrate housing, shopping and other activities in more, well, livable ways.

The recreation community is well aware of the recreation implications of the livability concept that has been a hallmark of the Obama administration since its inception.

Interested recreation groups have scheduled at least two conferences on the subject. The Rails-to-Trails Conservancy's Urban Pathways Initiative is holding an invitation-only conference in New Orleans February 25 and 26 titled *Urban Pathways to Livable Communities*.

And the National Center for Bicycling and Walking has scheduled a conference for Sept. 13-17 in Chattanooga, Tenn., with the theme *Bringing Livable Communities and Regions to Scale*.

NPS begins EIS on long-term Yellowstone snowmobile rule

Even as a controversy over interim snowmobile use in Yellowstone National Park continues to simmer, NPS is beginning work on a permanent set of rules to govern the use.

The park January 29 asked the public for advice on an upcoming EIS that will guide the writing of regulations long-term. In the short-term for this winter and the winter of 2010-2011 temporary regulations allow up to 318 snowmobiles per day and up to 78 snowcoaches per day.

The interim rule has generated hard feelings. As *FPR* reported in the last issue, Park Service retirees January 14 charged that Yellowstone officials were biased in favor of snowmobiles. The Coalition of National Park Service Retirees asked NPS Director Jon Jarvis to intercede on behalf of inter-

ests that oppose snowmobile use in the park.

But the governor who represents Yellowstone, Wyoming Gov. Dave Freudenthal (D-Wyo.), says the interim rule is overly restrictive. He has taken it to court. Freudenthal would prefer a peak snowmobile cap of 720 per day.

The Park Service offered no hint January 29 as to how it will tilt in writing an EIS to back a permanent rule. It simply asked for comments during a scoping period and said it will assess "air quality and visibility, wildlife, natural soundscapes, employee and visitor health and safety, visitor experience, and socioeconomics."

Jarvis did say the process would be guided by science. "We begin this process with a clear goal: a winter use plan for Yellowstone National Park consistent with the NPS mission, best available sound science, accurate fidelity to the law, and the long-term public interest," he said.

The Park Service retirees are up in arms about the interim rule because it disagrees with park statistics on snowmobile and snowcoach use thus far this winter. By using DAILY AVERAGES the park said snowcoach use was down. But by counting TOTAL VISITORS the retirees said the number of people using snowcoaches was up.

Snowmobile users, although not natural allies of the Obama administration, are optimistic about the long-term rule process. As the BlueRibbon Coalition said in an update to its member, "The good news is that the next (EIS) process started on January 29, 2010 and could provide for a much-needed reasonable, science-based long-range Winter Use Plan for Yellowstone National Park."

NPS will hold public scoping meetings next week in Idaho Falls, Idaho, and Billings, Mt., and the week of March 15 in Cheyenne, Wyo., and Washington, D.C.

Comment on the EIS process at <http://parkplanning.nps.gov/YELL> (choose

the link to the Winter Use Plan) or by mail to: *Yellowstone National Park, Winter Use Scoping, P.O. Box 168, Yellowstone NP, WY 82190.*

The battle over snowmobile use in Yellowstone has been going on for more than a decade. NPS published a final rule Nov. 20, 2009, that established a cap of 318 snowmobiles per day this winter that began December 15, and a cap of 78 snowcoaches per day. The plan is to apply for the rest of this winter and next winter (2010-2011) while NPS prepares the more permanent rule.

The new Obama administration rule authorizes fewer snowmobiles than did a last Bush administration rule. It authorized 720 snowmobiles per day.

Grijalva call for FS wildland protections irks OHVers

To the dismay of powered recreation interests, Rep. Raúl M. Grijalva (D-Ariz.) asked the Forest Service last month to provide greater interim protection for recommended wilderness areas.

In a letter to Forest Service Chief Tom Tidwell, Grijalva and 72 of his House colleagues asked the chief to insure 3 million acres currently recommended for wilderness in forest plans are protected until Congress acts on the recommendations.

"We ask that you take immediate steps to preserve the Congressional prerogative to designate wilderness by issuing national guidance on the management of agency-recommended wilderness," says the Grijalva letter. "This guidance should prohibit the authorization of activities, such as use of motorized vehicles, that adversely affect the wilderness qualities of the recommended areas to a significant degree."

An alliance of retired federal recreation land managers wrote Tidwell February 3 and asked him to allow land uses, i.e. off-highway vehicles (OHVs), to continue in recommended wilderness areas (RWAs.)

"Areas that are suitable to be

RWAs ostensibly meet the criteria necessary for Congressional designation as wilderness," wrote Tom Crimmins on behalf of Professionals for Managed Recreation. "If an existing use did not preclude an area from being designated as an RWA it is unlikely that continuing the use will make the area ineligible for consideration for wilderness designation by Congress." Crimmins is a retired Forest Service official.

Representatives of OHV users also hit the roof, charging that Grijalva is asking the Forest Service to designate de facto wilderness. Only Congress has the authority to designate wilderness. Grijalva chairs the House subcommittee on National Parks, Forests and Public Lands.

"Only Congress can designate wilderness," said the BlueRibbon Coalition in an Action Alert to its members. "This is logical because wilderness is the most restrictive land management designation on the planet. It is not wise, nor legal, for any federal land management agency to establish de-facto wilderness areas."

Brian Hawthorne, public lands director for the coalition, said OHVers are already concerned about creeping wilderness from ongoing forest plan studies. "These recommended wildernesses expand every time the Forest Service does a plan," he said. "This could be a situation where expansions never end."

The Forest Service's recommended wilderness areas have a different legal status than do Bureau of Land Management (BLM) wilderness study areas (WSAs.) National forests identify RWAs under the agency's National Forest Management Act of 1976 planning regulations.

BLM identified its WSAs under Section 603 of the Federal Land Policy and Management Act of 1976. The act directed BLM not to allow any activities that could impair the wilderness potential of the WSAs until Congress acted on them.

A 2003 Bush administration policy forbids BLM from studying additional

roadless lands for wilderness potential. However, 89 House members asked Secretary of Interior Ken Salazar Nov. 10, 2009, to reverse the policy.

Reversing the policy could open the way for BLM to review again millions of acres recommended for wilderness by various Congressmen, including five million acres of the 9.4 million acres in a giant Red Rock (Utah) wilderness bill (HR 1925, S 799.)

The Forest Service at press time had not responded to questions about what standards it currently applies to the management of RWAs. Grijalva's office said the problem at the Forest Service is "there is no service-wide guidance on how to treat the lands recommended as wilderness."

A Grijalva spokesman said the Forest Service should "issue department-wide guidance to prohibit activities, like motorized vehicles, roads, etc. that would significantly degrade the wilderness characteristics of the lands before Congress can designate them as wilderness."

Budget picture not bright for Corps, roads/trails and USDA

For outdoor programs in agencies not funded by an Interior Department and related agencies appropriations bill the fiscal year 2011 Obama administration budget proposes few increases, and substantial decreases.

The budget would slash construction and operations spending for the Corps of Engineers by \$380 million, from \$4.431 billion in fiscal 2010 to \$4.051 billion in fiscal 2011.

The budget would reduce federal roads money distributed by the Federal Highway Administration by \$687 million, from \$42.8 billion in fiscal 2010 to \$42.1 billion in fiscal 2011.

And the budget would increase spending for conservation as financed by a 2008 Farm Bill by \$42 million to about \$5 billion. However, those programs are

authorized at about \$500 million more than the \$5 billion, critics note.

The Obama administration released the fiscal 2011 budget February 1 against a backdrop of austerity, with the President promising to freeze domestic discretionary funding.

That austerity is tempered by the fact that Congress enacted a \$787 billion economic stimulus last March (PL 111-5 of Feb. 17, 2009) and that Congress is now working on a second economic stimulus bill. It would provide between \$80 billion (Senate leaders) and \$174 billion (House-passed.)

Here is what the administration proposed for fiscal 2011 in three budget areas:

CORPS OF ENGINEERS: The Obama administration recommended a \$39 million reduction in operations and maintenance spending for fiscal 2011 from \$2.4 billion in fiscal 2010 to \$2.361 billion. Most recreation spending would come from that portion of the budget. For construction the budget recommends a more significant reduction of \$341 million, from \$2.031 billion in fiscal 2011 to \$1.690 billion.

The Corps budget assumes spending of \$265 million from operation and maintenance for recreation programs out of a total \$280 million recreation budget. The budget assumes the Corps will collect \$41 million in recreation use fees.

For operations and maintenance of projects authorized by the Comprehensive Everglades Restoration Plan of 2000 the budget recommends no money on the grounds that no projects have been completed yet.

FEDERAL HIGHWAY ADMINISTRATION: The Obama administration recommended a \$687 million decrease in highway money in fiscal 2011, down from \$42.8 billion in fiscal 2010 to \$42.1 billion. That's a little deceptive in that almost all road and trail money is financed by gasoline taxes filtered through a Highway Trust Fund, and appropriators have little say in how much is spent.

In one interesting wrinkle the Obama administration put a little money where its mouth has been in promoting "livability" in communities. It would allocate \$200 million from a Department of Transportation Partnership for Sustainable Communities program for grants to boost livable communities. Trails by definition would come in for some of that money that would be allocated to states, local governments and Indian tribes. (See separate article page 5.)

FARM BILL CONSERVATION PROGRAMS: The Obama administration's fiscal 2011 recommendations for conservation programs authorized by the 2008 Farm Bill depend on how you look at them. The Department of Agriculture sees a \$42 million increase to \$5 billion. But conservationists see a \$500 million decrease from Farm Bill authorized levels.

Said Sara Hopper, director of agricultural policy for the Environmental Defense Fund, "We recognize that the administration faces tough choices to cut the deficit, but these conservation programs help drive private investment in public benefits - including cleaner water, cleaner air and improved habitat for wildlife - so they are a great deal for taxpayers."

Greens' budget requests far cry from Obama proposals

The Obama administration's fiscal year 2011 budget request falls well short of the environmentalist recommendations, leaving the greens to fight it out with Congress for more money in a down-budget year.

In an annual exercise conducted by 34 environmental groups a Green Budget recommends hundreds of millions of dollars in spending increases for operation of the National Park System, for restoration of the National Forest System, for the Land and Water Conservation Fund (LWCF), for operation of the Bureau of Land Management's (BLM's) National Landscape Conservation System (NLCS), and for operation of the National Wildlife Refuge System.

But the administration's fiscal 2011 budget request of February 1 provides at most a fraction of the Green Budget recommendations.

Take Park Service operations. The Green Budget recommends an increase of \$140 million over a final fiscal 2010 appropriations bill, but the Obama budget requests only a \$35.3 million increase. In addition the Obama budget would deduct millions of dollars in fixed costs, which, when combined with inflation, would actually reduce spending.

"The National Park Service (NPS) protects and preserves the nation's most treasured natural and cultural resources," said the environmental groups. "Providing the NPS with a strong operating budget is critical to enabling the agency to protect these resources and provide visitor services and education at the 392 units of the National Park System."

The same pattern holds true for BLM's NLCS. The Green Budget recommends a fiscal 2011 appropriation of \$100 million but the administration budget would provide \$65.4 million, or \$34.6 million less.

Of the \$100 million the environmentalists said, "This funding level, though insufficient to allow BLM to meet all its resource protection mandates, would provide critical resources for BLM to hire essential law enforcement rangers, monitor natural and recreational resources, expand volunteer programs to better take advantage of in-kind donations, educate visitors, and undertake needed habitat restoration projects."

And the Obama budget comes up way short of the Green Budget recommendation for operation of the National Wildlife Refuge System. The environmentalists recommended an increase of \$75 million to \$578.3 but the administration proposed a \$3.3 million decrease.

Although the administration recommended an increase in spending of \$116 million for the traditional federal and state sides of LWCF that is still \$166

million below the Green Budget recommendation. For the state side the administration recommended \$50 million compared to an environmentalist request of \$125 million. For the federal side the administration recommended \$384.1 million, fairly close to a green recommendation of \$425 million.

Finally, the Obama administration's fiscal 2011 budget addresses a top priority of both the green groups and Secretary of Agriculture Tom Vilsack - restoration of the national forests. Vilsack proposed a major shake-up of the Forest Service budget by combining three separate line items into one jumbo forest restoration line item.

To produce the reforestation line item he would merge timber sales with spending for vegetation and watershed management and wildlife and fisheries management. When all is said and done the new Integrated Resource Restoration line item would receive a raise of \$26 million in fiscal 2011 over allocations to the three previous line items in fiscal 2010, directing a total of \$694 million to restoration.

The green's didn't recommend a merged restoration spending number but said, "Restoration management should be viewed as a way to recover the natural processes, structure, composition and function of a healthy forest ecosystem; it is an intentional effort to restore land, air, and water degraded by human activities to a more natural state, enhancing our forests' ability to adapt and be resilient to disturbances and change."

To partially offset all those spending increases the Green Budget would have Congress and the administration impose levies on commodity users of the public lands.

The environmentalists proposed an increase in grazing fees to cover the full \$136 million cost to operate BLM and Forest Service grazing programs. In that grazing fees now provide about \$21 million per year the environmentalists are effectively calling for a six-fold

increase. The fee for calendar year 2010 is \$1.35 per animal unit month.

The Green Budget says BLM should charge whatever it takes for each oil and gas drilling permit to cover the \$45.5 million required to process the permits. The fee in fiscal 2010 is \$6,500 per application.

For hard rock mining the Green Budget would have Congress establish a gross eight percent royalty on new mines and four percent on existing mines. In addition the environmentalists would increase fees to maintain existing claims from \$125 to \$250 and, if a claim were not developed in five years, to \$500.

Bill would set high fines for federal land OHV damage

Sen. Mark Udall (D-Colo.) and Rep. John Salazar (D-Colo.) introduced legislation (S 2999, HR 4589) last week that would impose stiff penalties on anyone who damaged federal lands.

The bills would assess fines of as much as \$100,000 for willful violations, and possible imprisonment, and as much as \$5,000 for nonwillful violations. Existing law, for instance, caps penalties that the Bureau of Land Management (BLM) may charge at \$1,000.

Udall said his bill would provide consistent penalties to lands managed by the Park Service, the Fish and Wildlife Service, BLM and the Forest Service.

Despite Udall's sharp criticism of off-highway vehicle (OHV) users on introducing the bill, one major representative of powered recreation endorsed the bill. "Enhanced law enforcement and stiffer penalties for those who disobey the rules of proper land use will ensure that America's public lands can remain open to those Americans desiring to recreate in a responsible manner," said Larry E. Smith, executive director of Americans for Responsible Recreation Access (ARRA.)

Of great importance, said Smith,

the bill would provide standard rules across all four agencies. ARRA represents horseback riders as well as powered vehicle users.

Penalties for damages to each of the four involved agencies' lands are governed by separate laws.

The National Park Service Organic Act as amended governs punishment for violations in national park units. The Federal Land Policy and Management Act of 1976 governs BLM. The National Wildlife Refuge System Administration Act of 1966 governs the Fish and Wildlife Service. And the Forest and Rangeland Renewable Resources Planning Act of 1974 governs the Forest Service.

Udall offered his toughest criticism for OHV users. He cited the example of two OHVs who became stuck in BLM land above Silverton, Colo., which was closed to OHVs. To dig out the vehicles the OHVs did considerable damage to alpine tundra, he said.

Concluded Udall, "Despite the extent of the damage, the violators were only fined \$600 apiece - hardly adequate to restore the area, or to deter others."

Udall has introduced separate legislation (S 720) to allow the four agencies to use any money collected from violators to repair federal lands. Rep. Salazar has not introduced a companion bill. The second bill is known as the Federal Land Restoration, Enhancement, Public Education, and Information Resources Act.

The new penalty bills from Udall and Salazar, introduced February 4, would establish fines of as much as \$100,000 for willful violations or up to 12 months in jail. The penalty for nonwillful violations would rise to \$5,000. And the penalty for "reckless use" of fires would be \$500.

Notes

Obama clouds climate bill future.

President Obama is sending mixed signals about what he is willing to accept in a

climate change bill from the Senate. He said at a speech in New Hampshire February 1 he might accept splitting a Senate Environment and Public Works (EPW) Committee-passed bill (S 1733) from a more limited Senate Energy Committee bill. The EPW bill would impose a cap-and-trade system and use some of the resultant fees for sweeping natural resources programs. The Senate Energy Committee bill (S 949) concentrates on incentives for renewal energy, nuclear energy and clean coal. The next day on February 2 Obama seemed to change course when he told Senate Democrats that the country must pass legislation that imposes penalties on carbon emissions, as in the EPW bill. But on February 9 Obama seemed to go revert to his February 1 position when he told a White House press conference he was willing to accept less than Senate Democrats have recommended and meet Republicans "halfway." The House last year approved a bill (HR 2454) that would impose penalties and would provide billions of dollars to natural resource programs. Passage of a tough bill this year remains a long-shot because of outright opposition from Republicans and from apprehension from moderate Democrats. Thus Obama's willingness to compromise.

High-level sportsmen's council.

The Obama administration February 4 established a new council to represent the interests of hunters and fishermen. The Wildlife and Hunting Heritage Conservation Council will serve as an official advisory committee to the Obama administration. It will replace a Sporting Conservation Council and expand on that council by adding new representatives - archery and the shooting sports industry. Said Ducks Unlimited Director of Public Policy Barton James, "This advisory board will help ensure that public policies are enacted that promote waterfowl and wildlife habitat conservation in all aspects of government, and continue to promote the positive economic benefit that hunters have on the US economy." Secretary of Interior Ken Salazar, Secretary of Agriculture Tom Vilsack and Montana Gov. Brian Schweitzer (D) announced the formation of the new council at a ceremony at the Theodore Roosevelt Memorial in Washington, D.C.

NPS, FWS guns rule a week away.

The Park Service must begin implementing February 22 a new law that authorizes the use of concealed weapons in national parks and refuges. Congress ordered NPS to allow visitors to carry concealed weapons if state law allows it. The Congressional provision was included in a law designed to curb credit card abuse (PL 111-24 of May 22, 2009.) The law deferred the impact of most provisions - including the use of concealed weapons - for nine months until February 22. The law does not require any new regulations. The Park Service and the Fish and Wildlife Service must simply allow the use. Meanwhile, some states are considering legislation to bar concealed weapons. For instance, the State of Maine legislature is considering a bill that would bar concealed weapons in Acadia National Park and along the Appalachian Trail. Although the federal concealed weapons provision is controversial, it was approved by the House by an overwhelming 279-to-147 vote and by the Senate by a 67-to-29 vote.

Neubacher named Yosemite boss.

The Park Service said February 2 Don Neubacher, for the last 15 years superintendent of Point Reyes National Park, will serve as the next superintendent of Yosemite National Park. In his 28-year career at NPS Neubacher has also served as deputy general manager of the Presidio of San Francisco. Neubacher replaces acting Yosemite superintendent David Uberuaga, who in turn had replaced Mike Tollefson, who retired last year.

Yosemite's Shackelton goes to D.C.

The Park Service said February 3 that the chief ranger of Yosemite National Park, Steve Shackelton, will move to Washington, D.C., to become associate director for visitor and resource protection. In the new position Shackelton, chief Yosemite ranger for eight years, will be in charge of a wide range of activities, such as fire, aviation, regulation development and search-and-rescue. Shackelton will move to Washington in March. He will replace Karen Taylor-Goodrich who is now superintendent of Sequoia and Kings Canyon National Parks.

Kiernan will leave NPCA post. Tom

Kiernan, president of the National Parks Conservation Association (NPCA) for the last 12 years, will leave the organization in June. During his tenure the organization's budget almost doubled, jumping from \$17 million to \$33 million. NPCA also increased staff from 65 to 165 people. Kiernan will take a position as head of the New Hampshire Charitable Foundation. The foundation provides \$34 million per year in grants for a civic agenda in the state.

Conference CalendarMARCH

6-10. **National Association of Counties** legislative conference in Washington, D.C. Contact: National Association of Counties, 440 First St., N.W., 8th Floor, Washington, D.C. 20001. (202) 393-6226. FAX (202) 393-2630. <http://www.naco.org>.

16-19. **NRPA National Legislative Forum on Parks and Recreation**, in Washington, D.C. Contact: National Recreation and Parks Association, 1901 Pennsylvania Ave, N.W., Washington, DC 20006. (202) 887-0290. <http://www.nrpa.org/forum>.

16-20. **American Alliance for Health, Physical Education, Recreation and Dance** annual meeting in Indianapolis, Ind. Contact: AAHPERD, 1900 Association Drive, Reston, VA 20191. (703) 476-3400. <http://www.aahperd.org>.

22-27. 75th **North American Wildlife** conference in Milwaukee, Wis. Contact: Wildlife Management Institute, 1146 19th Street, NW, Suite 700, Washington, DC 20036. (202) 371-1808. <http://www.wildlifemanagementinstitute.org>.

APRIL

10-14. **Society for American Archaeology** annual meeting in St. Louis. Contact: Society for American Archaeology, 900 2nd St., N.E., Suite 12, Washington, D.C. 20002-3557. (202) 789-8200. <http://www.saa.org>.

20-21. **Outdoor Industry Association Capitol Summit** in Washington, D.C. Contact: Outdoor Industry Association, 4909 Pearl East Circle, Suite 200, Boulder, CO 80301. (303) 444-3353. <http://www.outdoorindustry.org>.