

Federal Parks & Recreation

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Easterner Moran likely new boss for House approps panel

The all-important chairmanship of the House subcommittee that appropriates money for many park and rec programs is in for a major shake-up.

The current chairman of the House Appropriations subcommittee on Interior and Related Agencies, Rep. Norman Dicks (D-Wash.), is expected to move shortly to the chairmanship of the Defense appropriations subcommittee. That chairmanship opened up when Rep. John Murtha (D-Penn.) died February 8.

If Dicks leaves the Interior post, that would provide a promotion for ranking subcommittee Democrat James Moran (Va.) And that would put an eastern liberal from the Washington, D.C., inner suburbs in charge of western lands spending.

An aide to Moran told *FPR* February 19, "Yes, the Congressman is on track to become chairman in the next couple weeks."

It is almost a given that Dicks would take the Defense post. The Interior subcommittee oversees some \$32 billion per year. The Defense subcommittee has a hand in distributing 20 times that amount, \$650 billion per year, much of it to Dicks's district.

A Dicks aide confirmed his boss will probably give up the Interior job. Chief of staff George Behan told us, "I don't think he has any choice. He is the most knowledgeable Congressman on Defense spending and has been there the same number of years as Murtha. The next ranking member doesn't have his experience."

The situation is a little delicate because Murtha died just two weeks ago. Ultimately, the call on such chairman-

ships belongs to the Democratic leadership. For the next week or so at least Dicks will continue to serve as the Interior appropriations chairman and will wear a second hat as chairman of the Defense appropriations subcommittee, Behan said.

There are questions about Moran's familiarity with park and rec programs. "He doesn't have much experience with Interior and western issues," said Derrick Crandall, counselor to the National Park Hospitality Association. "The learning curve is tremendous. That's not to say Moran is not a good guy. It's just that so many Interior issues are related to the big western parks that he is not familiar with."

On the other hand Moran has been perhaps an even more aggressive advocate of state and local park and rec programs than Dicks. The League of Conservation Voters last week gave Moran a 93 on its scorecard for 2009 conservation votes. The only Moran slip-up came on a vote on a bill to protect great cats and rare candidids. Moran didn't vote that day. He did vote for 10 other conservation bills last year, such as a giant omnibus lands and parks measure.

Meanwhile, the annual Congressional hearing schedule on the fiscal year 2011 Obama administration budget has been severely disrupted by two major snowstorms and the Congressional Presidents Day Holiday.

The Dicks subcommittee had planned to begin hearings on the fiscal 2011 Interior budget February 11 with Secretary Ken Salazar. It was postponed.

The counterpart Senate Interior appropriations subcommittee, chaired by Sen. Dianne Feinstein (D-Calif.), had scheduled a hearing for February 24 with Secretary of Interior Ken Salazar, but that was scrapped at the last moment.

In the House Natural Resources Committee the subcommittee on National Parks, Forests and Public Lands canceled a scheduled February 11 hearing with the heads of the National Park Service, the Forest Service and the Bureau of Land

Management (BLM.) The subcommittee has not rescheduled the hearing.

The counterpart Senate Energy Committee canceled a scheduled February 10 hearing with Salazar on the Interior Department budget and has not rescheduled. The committee has set a hearing on the Forest Service budget request for Wednesday (February 24.)

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;

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

- * 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.

Interior says it won't jump into land buys/monuments

The Interior Department attempted this week to temper a growing furor over an internal departmental document that lists possible new land acquisitions and monument designations.

The document indicates the Obama administration "is considering" the acquisition of billions of dollars of land, all for the Bureau of Land Management (BLM). In addition the Republicans say the document indicates Interior is considering the designation of 17 new national monuments on BLM land.

The department said this week that it will take an open and measured approach to the consideration of any new land acquisitions or monument designations. "Secretary (of Interior Ken) Salazar believes new designations and conservation initiatives work best when they build on local efforts to better manage places that are important to nearby communities," said a department statement.

Meanwhile, critics of the administration (mostly Republicans) were having a field day. Utah Sens. Bob Bennett (R) and Orrin Hatch (R) introduced legislation (S 3016) February 22 that would require Congressional approval of any monument in Utah. Rep. Rob Bishop (R-Utah), who obtained the Interior Department document, introduced on February 23 a counterpart House bill (HR 4651.)

Said Hatch, "In 1950, Congress passed a law that prohibited the future establishment of national monuments in Wyoming except as authorized by Congress. Sen. Bennett and I seek to give Utah the same level of protection."

In a letter to Salazar, Bennett said, "I hope that you will quickly disavow any intention to follow through with these potential designations in Utah. However, if your intent is to proceed down this course, I vow that I will do all in my power to fight an effort to run roughshod over the state of Utah and prevent future abuses of this power."

S 3016 would exempt Utah from the Antiquities Act of 1906 that authorizes a President to designate national monuments without obtaining Congressional approval. The bill would simply add Utah as an exempt state, along with Wyoming.

On February 24 Rep. Dean Heller (R-Nev.) jumped into the fray, introducing a bill (HR 4675) to exempt the State of Nevada) from the purview of the Antiquities Act.

"As I have stated before, any federal action that could lead to limited access should be done in an open and public manner using extraordinary caution. I call on the Nevada delegation to join this effort and protect Nevada's access to public lands," said Heller

This controversy erupted February 18 after Bishop and House Natural Resources Republicans had obtained an internal Department of the Interior document that indicates the Obama administration "is considering" the acquisition of lands and the designation of 17 new national monuments.

The document does not identify the addressee, the sender or the date. It does identify \$2,383,360,000 worth of potential acquisitions. The document, identified only as "Attachment 4" does make clear that it is not a definitive recommendation. It appears to be an internal working paper.

The document says, "The areas listed below may be good candidates for National Monument designation under the Antiquities Act; however, further evaluations should be completed prior to any final decision, including an assessment of public and Congressional support."

The Interior Department said, "The preliminary internal discussion draft reflects some brainstorming discussions within BLM, but no decisions have been made about which areas, if any, might merit more serious review and consideration."

Ranking House Natural Resources Committee Republican Doc Hastings (R-Wash.) sees the document as an indication of Obama administration policy and perfidy. "This document exposes the hidden maneuvering of the Obama Administration to potentially lock-up tremendous amounts of public and private land without public knowledge or input," he said.

The American Land Rights Association (ALRA) is asking its members to concentrate their fire on states with Democratic members of the House or Senate. "The key to stopping the monuments is to make the Democrat Members of Congress in the Senate and House responsible for the Monuments. And they are," said ALRA in a bulletin to its members. "They can ask President Obama not to designate any monuments in your state and it is likely that he would agree."

Hastings and Bishop wrote President Obama February 18 to complain of abuses to the Antiquities Act, which Presidents have used for a century to designate national monuments. "It is time to end the imperial view of the Antiquities Act under which the Executive Branch claims unlimited and unilateral power to make designations without regard to the size of the area, the beneficial resources denied to our country, or the effect on families who are robbed of the opportunity for good-paying local jobs," they wrote. Bishop is the ranking Republican on the House subcommittee on National Parks, Forests and Public Lands.

The 17 possible monuments are located in Arizona (1), Alaska (2), California (4), Colorado (1), Montana (1), Nevada (1), New Mexico (2), Oregon (1), Utah (2) and Washington (1). The Interior document says 1,618,140 acres would be involved, including 397,210 acres of state and private land. Acquisition of the land would cost more than \$2 billion.

Several of the sites have been involved with commodity development and could bring influential industry groups into the discussion. Those areas include the Northwestern Sonoran Desert in Arizona (mining), Teshekpuk Lake in Alaska (oil and gas development) and the Otero Basin in New Mexico (oil and gas development.)

Former President Bill Clinton created a great hue-and-cry when he designated a dozen national monuments in his final days in office. While Republicans said he violated the Antiquities Act, the Clinton designations were upheld in court.

Earlier in his Presidency in 1996 Clinton created perhaps his greatest stir when he designated the Grand Staircase-Escalante National Monument on 1.9 million acres of BLM land in Utah.

In his letter to Salazar Bennett brought up the Grand Staircase designation, saying, "I am shocked and outraged that, given past history with the manner in which the Grand Staircase-Escalante National Monument was designated by President Clinton in 1996, this administration would begin taking the same reckless steps."

NPS, FWS allow concealed guns, except in 'facilities'

The Park Service and the Fish and Wildlife Service (FWS) February 22 began authorizing visitors to carry concealed weapons in their units, if state law allows it in state parks and refuges.

NPS Director Jon Jarvis said, "We will administer this law as we do all others - fairly and consistently."

But NPS and FWS said concealed weapons would not be allowed everywhere. Both agencies said the law still bars concealed weapons in "federal facilities," such as visitor centers, offices, ranger stations, fee collection booths, etc.

In wildlife refuges hunters may not use concealed guns without requisite approval. "Each person who hunts on a National Wildlife Refuge must have the required state license(s) required by the refuge, as well as any permits and/or user fees," said FWS.

Still, the change in the law represents a huge policy shift in favor of those who wish to carry concealed weapons into national parks and national wildlife refuges.

Some state legislatures are rebelling. The Maine State Senate is expected to take up a bill (LD 1737) shortly that would effectively bar concealed weapons in Acadia National Park.

The National Rifle Association (NRA) opposes the Maine bill and has put out an alert to its members. The NRA said February 19, "Remember to tell your Senator that crime does not stop at the park gate and the right to defend yourself and family shouldn't either."

While the National Parks Conservation Association (NPCA) endorses the Maine legislation (and similar possible initiatives in California and New York), it doesn't believe the responsibility should lie with state legislatures.

"We are very supportive of such efforts," said Brian Faehner, associate director for park use for NPCA. "But national parks are federal entities and it's a federal responsibility to provide the means to the National Park Service to accomplish its mission."

However, Congress has made it abundantly clear that concealed weapons should be allowed in national parks and refuges. In passing a law designed to curb credit card abuse (PL 111-24 of May 22, 2009), the House by an overwhelming 279-to-147 vote and the Senate by a 67-

to-29 vote approved the use. The law ordered the guns provision to take effect on February 22.

According to the Coalition of National Park Service Retirees the rule will allow guns in 388 of 391 park sites.

Critics such as NPCA will monitor the implementation of the law closely, said Faehner. But there may be little they can do with a frontal legal assault because Congress in writing the law overcame a federal court decision in a previous lawsuit.

In that court action U.S. District Court Judge Colleen Kollar-Kotelly in the District of Columbia issued an injunction March 19, 2009, that blocked implementation of a Dec. 10, 2008, Bush administration regulation that would have allowed visitors to national parks to carry guns, if state laws allowed concealed weapons in state parks and refuges. Kollar-Kotelly said the Bush administration had failed to write an EIS and the Interior Department must do so. She did not address the substance of the rule. That prompted Congress to approve the use.

The NRA argues for the use on security grounds. "The National Park Service's recent report revealed that 11 murders, 35 rapes, 61 robberies and 261 aggravated assaults occurred on parklands in 2006. Our parks also contain hidden methamphetamine labs, marijuana fields and illegal drug and illegal alien smuggling routes," said the association when Congress passed the law.

Critics such as NPCA also play the security card. "There will be increased risk in campgrounds," said NPCA's Faehner. "History shows that having firearms in parks leads to accidents. Discharging a weapon in a campground is extremely dangerous."

Then there is the matter of costs. "In the big picture this is going to create a major financial burden for the Park Service which is already underfunded," said Faehner. "Congress

has an obligation to provide the agency with sufficient funding to enforce the new law and to cope with the management problems it created."

Critics don't let up on mining near Grand Canyon

Environmental groups took three steps this month in their drive to limit mining near Grand Canyon National Park.

They filed a lawsuit February 11 that asks a federal court to force the Bureau of Land Management (BLM) to provide information about a proposed mine. They petitioned two federal departments to declare a coal-fired power plant is degrading visibility in the park in violation of the Clean Air Act. And they spotlighted new U.S. Geological Survey (USGS) studies that identify uranium in the watershed near the park.

The actions are related to an ongoing campaign by environmentalists to block uranium mining near the park and to limit pollution from the coal-fired power plant in New Mexico.

The campaign has gained traction with the Obama administration. On July 21, 2009, the Interior Department segregated one million acres of BLM and Forest Service lands near the park, effectively blocking most uranium mining. At the same time BLM proposed to withdraw the lands - 633,547 acres managed by BLM and 360,002 acres managed by the Kaibab National Forest in Arizona - for 20 years.

While the segregation clearly prevents the staking of new uranium claims, as would the 20-year withdrawal, less clear is the impact of the segregation and possible withdrawal on 10,600 existing mining claims in the area. Technically the claims enjoy valid existing rights status and may be developed. Much of the debate among the parties now centers on the validity of the claims.

And that concern prompted the environmentalists February 11 to seek

background documentation about proposed uranium mining in the area that is segregated against mining, including an Arizona 1 mine.

The lawsuit, filed in U.S. District Court for the District of Arizona, charges that BLM has been unlawfully slow in filling their requests under the Freedom of Information Act.

The center, along with other environmental groups, filed a separate lawsuit Nov. 16, 2009, to demand that BLM prepare new environmental reviews on the long-delayed Arizona 1 mine that was initiated in the late 1980s.

In a second action nine conservation groups petitioned the Departments of Agriculture and Interior February 17 to declare a giant coal-fired power plant is violating the Clean Air Act by marring visibility over 16 Class I areas.

The Clean Air Act requires visibility protection of Class I areas, such as national parks and wilderness. The Four Corners Power Plant is located on Navajo land in northwest New Mexico.

The conservation groups said the soot from the plant at times obscures visibility in Grand Canyon, Mesa Verde National Park, Canyonlands National Park and Arches National Parks.

"The number of days when views in these parks is clouded by pollution seems to be ever-increasing," said Roger Clark, air and energy program director for the Grand Canyon Trust. The National Parks Conservation Association, the Earthjustice environmental group, Sierra Club, San Juan Citizens Alliance, the Center for Biological Diversity, Dooda Desert Rock, Diné CARE, WildEarth Guardians, and the Grand Canyon Trust submitted the petition.

In the third action the Grand Canyon Trust and the Sierra Club February 18 spotlighted the release of USGS studies of uranium levels in mining sites within the watershed feeding Grand Canyon and the Colorado River.

USGS prepared the studies as part of the EIS the Interior Department is preparing on the proposal to withdraw the one million acres from uranium mining. The USGS studies demonstrate elevated uranium levels near exploration and old mining sites, the environmentalists claim.

The reports are available at <http://pubs.usgs.gov/sir/2010/5025/>.

Idaho delegation opposes lower FS campground discounts

The four-member Idaho Congressional delegation weighed in a fortnight ago against a Forest Service proposal to reduce camping fee discounts for senior citizens.

The delegation wrote Forest Service Chief Tom Tidwell in opposition to a proposal to reduce the discounts from 50 percent to 10 percent.

"We urge you to maintain these discounts at their current levels," wrote Idaho's two senators and two House members. "In this economic climate, we cannot eliminate the opportunity for our senior and permanently disabled citizens to enjoy our public lands."

The letter was signed by Sen. Mike Crapo (R), Sen. Jim Risch (R), Rep. Mike Simpson (R) and Rep. Walt Minnick (D.)

They were responding to a Dec., 1, 2009, Forest Service proposal that would make a number of policy changes involving privately-operated campgrounds in the national forests, about half of all campgrounds. In addition to reducing the senior citizen deduction, the service also proposed to allow private operators of day-use sites to charge fees at the sites.

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 fee critics are in full support of the Idaho delegation and of the senior discount. Said Western Slope No-Fee Coalition President Kitty Benzar of the elimination of the 50 percent discount for seniors, "It would put private companies, instead of Congress and the public, in control of recreation policy on public lands. Even if you are not a Senior or Disabled, this proposal is a threat to your access to public lands!"

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

As Warren Meyer, president of Recreation Resource Management, told us recently, "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."

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.

While the Forest Service may win this immediate battle, it is in danger of losing the greater war because three western senators have introduced legislation (S 868) that would repeal the overarching Federal Lands Recreation Enhancement Act.

The repeal bill was introduced by Sens. Max Baucus (D-Mont.), Jon Tester (D-Mont.) and Crapo on April 22, 2009.

No hearings have been held on it, but Baucus is in position to insert it in any big tax bill that comes before the Senate Finance Committee that he chairs.

Salazar himself touts hike in national parks visits

Secretary of Interior Ken Salazar continues to get out front in promoting visitation to the National Park System.

On February 23 his office issued a press release touting a 3.9 percent increase in visitation to the system in 2009, compared to 2008. Much of that increase was undoubtedly prompted by the economic downturn, i.e. the parks provided a less expensive alternative to resorts.

Still, the parks did enjoy their fifth busiest year on record. Said Salazar, "People both here and abroad know that our national parks are America's best idea, even during an economic downturn."

According to Park Service statistics more than 285 million people visited the park system during 2009, or ten million more than in 2008. The all-time record year of 1987 saw 287.2 million visits.

The top 10 most visited national parks in 2009 were:

1. Great Smoky Mountains National Park, 9,491,437 visitors
2. Grand Canyon National Park, 4,348,068
3. Yosemite National Park, 3,737,472
4. Yellowstone National Park, 3,295,187
5. Olympic National Park, 3,276,459
6. Rocky Mountain National Park, 2,822,325
7. Zion National Park, 2,735,402
8. Cuyahoga Valley National Park, 2,589,288
9. Grand Teton National Park, 2,580,081
10. Acadia National Park, 2,227,698

Concessioners, gateway communities and other economic interests have long complained that the Park Service has not been aggressive enough in promoting visitation to the national parks. Those interests feared the Obama administra-

tion would tilt toward limited visitation to protect the resources of the parks.

But from day one Salazar has promoted visitation to the park, linking it to the economy. Indeed, in the February 23 release the Interior Department said the National Parks System "supports more than 223,000 jobs and nearly \$14 billion in economic activity across the country."

While visitation to national parks has increased somewhat this year for the first time in a decade, recreation visits have also jumped on other federal lands, in state parks and in local parks.

The increase in visitation at all levels is, of course, being driven by the economy. Even with substantial entrance fees people reportedly view visits to national parks, national forests and state and local facilities as a bargain, particularly when the cost of flying to and staying at resorts.

In addition to the economy the Interior Department said the increase in visitation could have been helped by three no-entrance fee weekends, the publicity from Ken Burns's public television series on the National Park System, a decrease in gasoline prices and a weak dollar.

Senate approves stimulus piece with SAFETEA money

That Senate February 24 approved a truncated economic stimulus bill that includes little park and rec money, except for one program.

The one outdoor provision would extend surface transportation programs through the end of the calendar year. Those programs, which include transportation enhancements, recreational trails, the Wallop-Breaux fish conservation, scenic byways, and federal and Indian land roads, are temporarily extended through the end of February.

The key vote came February 22 when

Senate Democrats secured the 60 votes needed to bring the bill (HR 2847) to the floor. Five Republicans joined with 57 Democrats to provide 62 votes.

Senate Environment and Public Works Committee Chairman Barbara Boxer (D-Calif.) said February 22, "The successful vote to end the filibuster on the Senate jobs bill was a breakthrough that should send a signal of hope to the families of America."

Boxer said the transportation program extension is needed now to provide an extra \$12 billion to keep surface transportation programs at a healthy level.

"If we don't have that transfer, and that's why this bill is so crucial, then starting in June - and certainly by August - the Highway Trust Fund will be out of funds," she said at a joint press conference with the American Association of State Highway Transportation Officials. "This extension provides states with the certainty they need to make decisions and carry out their plans."

The Democrats, under Senate Majority Leader Harry Reid (D-Nev.), intend to consider additional stimulus bills individually as the year goes along. In effect they have given up on a comprehensive, \$80 billion measure that had been in the works for months.

Boxer confirmed at the press conference with state highway officials that the Democrats will try to move separate legislation with additional infrastructure assistance later this year.

The bill the Senate agreed to take up February 22 emphasizes mostly tax measures.

The Senate bill would eventually have to go to conference with a broad stimulus bill (same bill number, HR 2847) the House approved Dec. 16, 2009, with \$154 billion in economic assistance. Some of that would go to federal land managers. The House bill includes ten times the \$15 billion in the Senate bill.

HR 2847, as passed by the House, would appropriate for "term employment" land management purposes \$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 House 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.

Speaker of the House Nancy Pelosi said last week she and House Democratic leaders will insist on the House bill in a conference with the Senate.

The House-passed bill and the Senate Democrats' proposal differ in one crucial respect - how long to extend the existing surface transportation law, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.) The Senate would extend it through the end of December, the House through the end of October.

It's a long-shot but supporters of outdoor programs financed by SAFETEA-LU hope for an extension to the end of December in the hopes Congress will have time to write an extended five- or six-year version of SAFETEA-LU.

"There's a disagreement between the House and Senate on the two dates," said one recreation advocate. "We'd like to see a longer extension to get some certainty and, perhaps, they could complete a multi-year bill."

EPA to crack down on climate changers; impact on bills?

The Obama administration this week told Congress that it would institute a sweeping climate change program administratively, even if Congress does not act on climate legislation.

EPA Administrator Lisa P. Jackson wrote eight Democratic senators February 22 outlining a program to require existing and new pollution-producing facilities to limit greenhouse gases.

The EPA program may, or may not, serve as a substitute for cap-and-trade legislation now being worked on in Congress. That legislation as written would provide billions of dollars to outdoor programs in the coming decades. The EPA threat to act could get the legislation moving or, conversely, it could persuade senators that a new law is not needed.

Republicans, and some Democrats, say the administration should not issue Clean Air Act regulations until Congress passes climate change legislation (HR 2454 as passed by the House and S 1733 as passed by the Senate Environment and Public Works (EPW) Committee.) However, those same Republicans and Democrats have pretty much stymied any legislation in the Senate.

So if Congress doesn't pass climate change legislation and the Obama administration issues no regulations, existing policies would continue.

Jackson laid out the administration's program in a letter to Sen. Jay Rockefeller IV (D-W.Va.) and seven other Democratic senators from coal producing states who are critical of the climate change bill. Jackson said EPA would take no actions against stationary sources in this calendar year. (Environmentalists say many of those stationary sources produce soot that obscures visibility in national parks and wilderness areas.)

In the first half of calendar 2011 Jackson said, "I expect that EPA will phase-in permit requirements and regulation of greenhouse gases for large stationary sources. . ."

Sen. Lisa Murkowski (R-Alaska), a lead critic of climate change regulations, said "the delay in implementation is a small forced step in the right direction" that gives Congress a little time. She continued, "Congress is the

appropriate body to address climate policy."

Senate Democrats, including Rockefeller, Byron Dorgan (N.D.) and Sen. Mary Landrieu (La.), have criticized the EPW bill this year. Dorgan has suggested that Congress drop the EPW measure and concentrate on a separate tightly-focused bill (S 949) approved by the Senate Energy Committee June 17, 2009. The energy committee bill addresses primarily renewable energy incentives.

The House-passed bill and the Senate EPW bill would require major park and recreation policy revisions. They would make substantial 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.

In addition 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 appropriations in annual spending bills.

State parks put together a new alliance to seek help

Faced with massive budget cuts all across-the-country America's state parks are fighting back. They announced February 16 they have established a new America's State Parks alliance.

The alliance will allow supporters of state parks, such as the National Association of State Park Directors, to more easily enter into partnerships with corporations.

"This is one way for state parks to enter into partnerships with corporations collectively," said a spokeswoman for the alliance. "It will serve as one

voice. State parks can seek funding under this umbrella."

Joe Elton, director of Virginia State Parks and president of the National Association of State Park Directors, said, "Building state parks creates jobs and operating state parks stimulates outdoor recreation and tourism spending. That translates to a huge boon to our local economies. In 2009 visitors to state parks across America helped create a \$20 billion economic impact, which is an incredible return on investment given that the overall budget expenditure nationwide is less than \$2.3 billion."

As *FPR* has documented in several articles, state governments from California to Georgia have turned on parks to make up for budget deficits caused by the grinding national recession. The National Association of State Park Directors believes budget cuts to state parks have exceeded 10 percent nationally.

Those budget cuts have produced massive lay-offs, closure of park facilities, lease of facilities to communities or even privatization of parks. Some state parks are instituting deep furloughs.

The California situation last year was the most extreme, when Gov. Arnold Schwarzenegger (R) proposed to reduce state park funding by more than \$70 million, a move that would have forced the closure of as many as 100 park units. After a great outcry Schwarzenegger was able to find enough money to keep the parks open, barely.

With that background the National Association of State Park Directors, made up of the 50 state park directors around the country, February 16 announced the establishment of America's State Parks alliance, complete with a new website, <http://www.americasstateparks.com>. It is noteworthy that the website is commercial with the .com address.

The state parks directors said state parks hosted 725 million visits in

2009. Because of the recession many Americans chose to do their recreating close to home, causing an increase in visitation at the same time state park budgets were plummeting.

Salazar lets stand court ruling on L.A. landfill

The Interior Department dealt a major blow to a proposed giant landfill within two miles of Joshua Tree National Park in California February 24 by not appealing a circuit court decision against the project.

The Ninth U.S. Circuit Court of Appeals had ruled Nov. 10, 2009, that the Bureau of Land Management (BLM) had prepared an inadequate EIS in support of the project proposed by Kaiser Ventures LLC.

By declining to appeal Secretary of Interior Ken Salazar let stand the court decision. However, Kaiser has petitioned the Ninth Circuit for reconsideration by the entire court.

The Eagle Mountain landfill would be the largest in the nation. It would accept 200,000 tons of trash each day for 117 years. In a proposed land exchange that is part of the deal Kaiser would receive 3,481 acres of BLM land and permanent rights-of-way to the landfill. In exchange the company would transfer 2,846 acres of private land that contain critical habitat for the desert tortoise. The landfill itself would cover 4,654 acres.

In a 49-page dissent in the two-to-one Ninth Circuit decision, Senior Circuit Judge Stephen S. Trott held that BLM's environmental analysis and decision to approve the exchange were adequate.

"Our well-meaning environmental laws have unintentionally made such an endeavor (a landfill) a fool's errand," said Trott. "This case is yet another example of how daunting - if not impossible - such an adventure can be."

He said that on the bottom line

BLM's analyses sufficed. "The final irony is that my colleagues send the case back to (BLM) to do something BLM has already adequately done: consider the value of the land involved as a commercial landfill," Trott wrote.

But Judge Harry Pregerson ruled for the majority that BLM's EIS read like a promotion for the project and failed to analyze enough alternatives. "The BLM adopted Kaiser's interests as its own to craft a purpose and need statement so narrowly drawn as to fore-ordain approval of the land exchange," he said. "As a result of this unreasonably narrow purpose and need statement, the BLM necessarily considered an unreasonably narrow range of alternatives."

Some local officials praised Salazar's decision. "Secretary Salazar has made a courageous decision to protect the long-term health of Joshua Tree National Park," said George Kopp, president of the Joshua Tree Chamber of Commerce. "By protecting the park, he's not only standing up for tortoises and bighorn sheep, he's standing up for the businesses, communities, and tourists who know that our national park is far more valuable than a garbage dump."

The lead plaintiff in the case, the National Parks Conservation Association (NPCA), said the landfill was not needed to for disposal of Los Angeles basin trash. "Los Angeles's future garbage disposal needs can be offset with existing landfills and increased recycling," said Mike Cipra, NPCA's California Desert Program Manager. "

The court decision is available at: http://www.npca.org/media_center/pdf/Ninth_Circuit_Opinion.pdf.

Notes

FWS Director Hamilton dies at 54. Fish and Wildlife Service (FWS) Director Sam Hamilton died suddenly February 21 while on a skiing trip in Colorado. The Summit County coroner told the Associated Press that Hamilton, 54, died of an apparent heart attack. Hamilton had been FWS director for only six months when he died; he was sworn in Sept. 1,

2009. Before becoming FWS national director Hamilton served as southeast regional director for the service. He played a major role in an Everglades ecosystem restoration project. Secretary of Interior Ken Salazar said, "Sam was a friend, a visionary, and a professional whose years of service and passionate dedication to his work have left an indelible mark on the lands and wildlife we cherish. His forward-thinking approach to conservation - including his view that we must think beyond boundaries at the landscape-scale - will continue to shape our nation's stewardship for years to come."

'Great Waters' given support. The Obama administration partially endorsed February 24 elements of a national campaign to protect the Great Water bodies of the United States. In a hearing held by the Senate Environment and Public Works Committee (EPW) on five of the water bodies, including the Great Lakes, EPA Assistant Administrator for Water Peter S. Silva described ongoing administration programs. The hearing focused on legislation to help restore Lake Tahoe (S 2724), to help restore Puget Sound (S 2739), to protect Long Island Sound, to protect the Columbia River Basin and to protect the Great Lakes. Under Secretary of Agriculture for Natural Resources Harris D. Sherman said the Obama administration "supports the goals" of the Lake Tahoe bill. More than 30 conservation groups teamed up in December to begin a concerted push to protect the largest water bodies in the nation. The new America's Great Waters Coalition is looking to climate change legislation, among other places, for help. 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 National Wildlife Federation is spearheading the coalition.

Concessioners fear NPS utilities plan. National Park concessioners are apprehensive about a proposed Park Service director's order that would have the concessioners pay a significant

share of costs to build and operate utilities in parks. The proposed order was announced February 8 with comments due by March 6. "They want to pass through full utility costs," said Derrick Crandall, counselor to the National Park Hospitality Association. "We would have to pay operations costs of plants and a proportionate share of capital costs. Everyone knows the Park Service builds things as inefficiently as anyone in the world." The draft directive is at: <http://www.nps.gov/policy/DO-35Bdraft.htm>. Comment to: *Tim Harvey, Chief, Park Facility Management Division, 1849 C Street, N.W., Washington, D.C. 20240*, or by E-mail to tim_harvey@aps.gov.

Yellowstone wolf count down.

Yellowstone National Park said February 16 the park's wolf population declined by 23 percent in 2009, compared to 2008, dropping from 124 wolves to 96-98 wolves. A high count of 174 wolves was reported in 2003. While previous declines in wolf population were attributed to distemper, the park said there is no evidence of distemper in 2009. Rather, said the park, the reduction was probably caused by wolves killing each other, malnutrition and/or mange. Yellowstone said wildlife biologists believe the wolf population has recovered and that fluctuations in wolf populations "can be expected."

Salazar praises Flathead deal.

Secretary of Interior Ken Salazar described an agreement between the British Columbia government and Montana on the Flathead River Basin as an "historic milestone." The agreement certifies a British Columbia government commitment of February 9 that the province will allow no mining, oil and gas drilling or coalbed gas development in the basin. The basin includes the World Heritage Site the Waterton-Glacier International Peace Park that straddles the British Columbia-Montana border. Environmentalists and Montana's senators have asked the British Columbia government to head off development on the Canadian side of the peace park. Sens. Max Baucus (D) and Jon Tester (D) asked Secretary of State Hillary Clinton Dec. 10, 2009, to help block development of a gold deposit

10 miles upstream from Glacier National Park. Environmentalists petitioned the United Nations in 2008 to investigate mining in the Flathead Valley. "People in the Flathead Valley place a very high value on Glacier Park and clean water," said Dave Hadden of the conservation group Headwaters Montana. "The BC government announcement represents an important opportunity for Montanans to work with BC to protect the entire North Fork Flathead watershed, including unfinished conservation on the US side of the border." The British Columbia government announced its position against development in an annual Throne Speech, presented this year by Lt. Gov. Steven Point. He said, "Mining, oil and gas development and coalbed gas extraction will not be permitted in British Columbia's Flathead Valley."

Discovery trail bill reappears.

Rep. John Sarbanes (D-Md.) revived February 23 the possibility of a national system of discovery trails when he introduced a bill (HR 4671) to establish such a system. The bill would designate a subsystem of National Discovery Trails within the National Trails System. An American Discovery Trail would be the star of the discovery trail system. The American Discovery Trail would stretch 6,000 miles from Point Reyes, Calif., in the West to the District of Columbia in the East. The legislation has been around for more than a decade. Private property rights advocates have always been able to block it, although the Senate approved a version of the legislation on Aug. 3, 2001.

Outdoor goods sales fairly good.

The Outdoor Industry Association said February 24 that sales from core outdoor stores dropped by only two percent in 2009, compared to 2008. Still, the association said, the 2009 sales were two percent better than 2007. The stores reported sales of \$5,075,143,991 in 2009, compared to \$5,188,090,096 in 2008. The association said camping gear fared well, such as backpacking tents and sleeping bags. That tracks with reports from government agencies, which report a substantial increase in less expensive, close-to-home visitation to parks and recreation areas.

Boxscore of Legislation

<u>LEGISLATION</u>	<u>STATUS</u>	<u>COMMENT</u>
Appropriations 2011 No bill yet	President submitted budget request Feb. 1.	Would increase LWCF significantly but provide flat budgets, at best, elsewhere.
Appropriations fiscal 2010 (Interior) HR 2996 (Dicks)	President Obama signed into law Oct. 30, 2009, as PL 111-88.	Provides broad increases for park and rec programs.
Appropriations fiscal 2010 (Energy and water) HR 3183 (Visclosky) S 1436 (Dorgan)	President Obama signed into law Oct. 28, 2009, as PL 111-85.	Roughly maintains FY 2009 levels. Senate reduced Everglades money.
Appropriations fiscal 2010 (Agriculture) HR 2997 (DeLauro)	President Obama signed into law Oct. 21, 2009, as PL 111-80.	Restores some conservation money, but leaves EQIP short.
Appropriations fiscal 2010 (Transportation) HR 3288 (Olver)	President Obama signed into law Dec. 16, 2009, as PL 111-117.	Does not make up Highway Trust Fund shortfall.
Appropriations Stimulus HR 1 (Obey)	President Obama signed into law Feb. 17, 2009, as PL 111-5.	Allocates some \$4 billion to federal land management agencies to help revive the economy.
LWCF revival HR 3534 (Rahall) S 2747 (Bingaman)	House hearings in Sept. 2009. Bingaman put in Nov. 6, 2009.	Both would guarantee full funding of \$900M per year.
UPAR revival HR 3734 (Sires)	Sires introduced Oct. 6, 2009.	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, 2009, as PL 111-11.	Includes 160+ individual bills, including NLCS, new national parks.
National Landscape Conservation System HR 404 (Grijalva) S 22 (previous item)	Included in omnibus law (previous item.)	Gives NLCS official designation by Congress.
California Desert protection S 2921 (Feinstein)	Feinstein introduced Dec. 21, 2009.	Would establish monument to protect 1 million acres of BLM-managed desert.
Grand Canyon withdrawal HR 644 (Grijalva)	House subcommittee hearing July 21, 2009.	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 put in March 5, 2009. Carper put in March 11, 2009. Rockefeller put in May 12, 2009. House subcommittee approved Oberstar bill June 24, 2009.	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, 2009.	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)	Udall introduced March 17, 2009.	Would specify that ski resorts on national forest land may allow non-skiing recreation uses.