

Federal Parks & Recreation

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House about matches Senate in Sandy repair money

It took a lot of huffing and puffing but the House January 15 approved a Hurricane Sandy emergency appropriations bill (HR 152) that closely approximates a bill the Senate passed December 28. Both measures contain hundreds of millions of dollars to restore national parks, wildlife refuges and historic sites.

Now the Senate must repass its bill, since it approved the old measure in the previous Congress, to set up a House-Senate conference. Or it can simply accept the House legislation.

Both the old Senate bill and the new House bill would directly allocate \$348 million to the Park Service, \$78 million to the Fish and Wildlife Service, \$50 million to historic preservation, \$4.4 million to the Forest Service and more than \$1 billion to the Corps of Engineers.

In the major outdoor policy difference between the two the House would also appropriate to the Secretary of Interior an additional \$360 million to restore and rebuild parks and refuges, compared to \$150 million in the Senate bill.

At press time Senate Majority Leader Harry Reid (D-Nev.) was attempting to schedule a Senate vote on the House-passed bill. That vote could come as early as today (January 25.)

The House approved one major park and rec amendment and rejected one. It approved an amendment from Rep. Rob Bishop (R-Utah) that would forbid the use of any Interior Department or Forest Service money for land acquisitions. Bishop said land acquisition is superfluous to an emergency money bill.

His amendment was approved 223-to-198.

"If you want to buy more federal land, that's the icing on the cake," said Bishop, who chairs the House subcommittee that oversees the Land and Water Conservation Fund. "That should go through regular order. That is not emergency spending."

"Resources allocated to the Departments of Interior and Agriculture ought to address needs on existing federal land and not the acquisition of new land," said Bishop. "As things stand, there was already a maintenance backlog on our federal lands prior to Hurricane Sandy. The last thing we need to be doing is exacerbating this problem by adding to the federal estate."

But Rep. James Moran (R-Va.) said agencies may need the acquisition money to relocate facilities. "(T)here are instances when land acquisition can be part of a cost-effective solution to repairing the damage caused by Hurricane Sandy," said Moran, ranking Democrat on the House subcommittee on Interior Appropriations.

"For example, we have Interior and Agriculture facilities in low-lying areas that were destroyed by the hurricane," he said. "If either department wants to move any of those facilities to higher ground to protect them from future hurricanes and that higher ground is not owned by the federal government, then the Bishop amendment prohibits the secretaries from buying that land."

The defeated park and rec amendment, offered by Rep. Dan Benishek (R-Mich.), would have required a 40 percent local match for Historic Preservation money, in contrast to the underlying bill, which would provide the \$50 million unmatched. The House defeated his amendment 208-to-212.

Benishek said, "My amendment is about good government and good investments. It simply ensures that local communities have 'skin in the game' and truly support the grants that they apply for."

But Moran in opposing the amendment said, "The Interior Department has told us that if the Benishek amendment passes, the historic preservation funds will be almost impossible to spend in the 2-year time frame." That's because agencies would have to wait for state and local governments to go through the process of appropriating matching money.

Incidentally, Benishek introduced a pro-environment bill (HR 163) January 4 that would designate wilderness within the Sleeping Bear Dunes National Lakeshore.

In a separate area the House January 15 joined the Senate in refusing to put up an extra \$653 million in the Hurricane Sandy relief bill for fire-fighting expenses for the upcoming fire season. Republican critics argued that the fire aid was not germane to the Hurricane Sandy relief bill before them because the emergency was not imminent, i.e. the expensive fires would not come until summer.

In passing HR 152 the House not only did not consider an emergency fire assistance amendment it also did not consider a separate Senate-passed provision that would allocate \$125 million in emergency watershed restoration assistance to burned areas.

The Senate approved its version of a Hurricane Sandy bill (HR 1) December 28 without the fire assistance money but with \$125 million in watershed money.

Although the Senate rejected the emergency fire assistance, the amendment did receive a majority vote, 51-to-44. However, a three-fifths majority was needed to approve the amendment under Senate rules.

Counting emergency money, Congress has already approved for fire fighting in a half-year fiscal 2013 spending bill a stunning \$3.5 billion - projected over a full year. The rejected \$653 million amendment would put it well over \$4 billion.

Here's what the House and Senate would provide:

Capital improvements DoI and FS:

Under both the House- and Senate-passed bills the Park Service would receive \$348 million. In its request for the money the Obama administration singled out for assistance Liberty Island, Ellis Island, Gateway NRA, and Fire Island units, but it also said national parks in Florida, North Carolina and Washington, D.C., should receive help.

Under both bills the Fish and Wildlife Service would receive \$78 million primarily to repair damage in the E.B. Forsythe National Wildlife Refuge (New Jersey), the Long Island National Wildlife Refuge Complex (New York) and Prime Hook National Wildlife Refuge (Delaware).

Under both bills the Forest Service would receive \$4.4 million to address damage to property, roads and trails at the Grey Towers National Historic Site and in the White Mountain and Monongahela National Forests.

Interior Department prevention:

The House would appropriate \$360 million and the Senate \$150 million "to restore and rebuild national parks, national wildlife refuges, and other Federal public assets; increase the resiliency and capacity of coastal habitat and infrastructure to withstand storms and reduce the amount of damage caused by such storms."

Historic Preservation: Both the House and Senate would appropriate \$50 million for grants to states "to fund rehabilitation and restoration of historic properties." No local match would be needed in either bill.

Corps construction/maintenance:

Both the House and Senate would allocate \$4.281 billion to the Corps of Engineers for Construction (\$3.46 billion) and Operations and Maintenance (\$821 million).

Salazar leaving end of March; is Bingaman a possibility?

Two months before Secretary of Interior Ken Salazar heads out the door the names of possible replacements

are sprouting by the handful, with one major surprise - former Senate Energy Committee Chairman Jeff Bingaman (D-N.M.)

Said one source who wished to be confidential, "I'm told the White House staff initiated a call to Jeff Bingaman to test his interest in the position. It makes sense in that the confirmation process would be almost automatic."

But a long-time spokesman for Bingaman on the Senate Energy Committee cast some doubt on the possibility that the senator would take the post. "I don't speak for Jeff Bingaman anymore so I can't channel him," said the spokesman Bill Wicker. "But in the twilight of his career in the Senate I sat in on a lot of his exit interviews and the question came up about the possibility of his nomination. He said he appreciated the thought but he made clear he and Anne (his wife) were returning to their home in Santa Fe. He didn't indicate any interest in the job."

Wicker acknowledged that Bingaman's name has circulated over the last year in press speculation about a nomination to succeed Salazar. He said that Bingaman and Obama were quite close and that the senator "has great respect for the President."

Bingaman has overseen Interior Department policy for the last five years as chairman of the Senate Energy Committee.

The name of another possible candidate surfaced this week - Sen. Tom Udall (N.M.) *The Washington Post* said Salazar has recommended him to the White House. On the downside an Udall appointment would leave a vacant Senate seat and Republicans could well pick it up. On the upside Udall like Bingaman might face a relatively easy confirmation vote.

The confirmation process would NOT be automatic for most of the rest of the other rumored candidates - Rep. Raúl Grijalva (D-Ariz.), ranking minority member on the House subcommittee on Public Lands and the Environment;

Washington Gov. Chris Gregoire (D); former House Appropriations Committee Chairman Norman Dicks (D); former Colorado Gov. Bill Ritter (D); Office of Personnel Management Director John Berry, a former top Interior Department official; and Salazar's deputy David Hayes.

Another possibility, former Sen. Byron Dorgan (D-N.D.), might also receive a warm Senate welcome.

Gregoire's name is particularly intriguing to the outdoor establishment because of her aggressive promotion of President Obama's America's Great Outdoors (AGO) initiative. As chair of the Western Governors' Association in 2012 she launched a follow-on West-wide program called Get Out West! Gregoire would also be attractive to the White House because the Obama administration is under attack for recently nominating mostly males to Cabinet posts.

For his part Salazar took the lead in both implementing and spreading the word about AGO.

After four years in office Salazar announced January 16 he is stepping down at the end of May.

Salazar highlighted his labor on behalf of conservation on announcing his retirement. "From the Crown of the Continent in Montana to the prairie grasslands of Kansas to the Everglades Headwaters in Florida, we are partnering with landowners, farmers, and ranchers to preserve their way of life and the irreplaceable land and wildlife that together we cherish," he said. "We have established an enduring vision for conservation in the 21st century that recognizes all people from all walks of life."

One of his most persistent critics, ranking Senate Energy Committee Republican Lisa Murkowski (R-Alaska), was restrained in her comments on the announcement. "Being the nation's top steward, responsible for one-fifth of all the land in the United States, is no easy task and Secretary Salazar performed it with the upmost dedication to his principles," she said.

Environmentalists were effusive in their praise of Salazar. Said The Wilderness Society President Jamie Williams: "Secretary Salazar has shown much-needed leadership for conservation at the Department of the Interior, including the opportunities to protect our wild places through the America's Great Outdoors Initiative, his efforts to restore balance to a broken oil and gas leasing program, and his creation of a program to advance clean, renewable energy on public lands. Secretary Salazar also directed focus and support to the spectacular Conservation Lands managed by the Bureau of Land Management during his time at the Department of the Interior."

Western House Republicans were less effusive. "The relationship between Congress and the Department of the Interior throughout the past four years has been a trying one," said Rep. Cynthia Lummis (R-Wyo.), cochair of the Western Caucus. "I'm looking forward to the opportunity to begin again with the department. We need to find common ground with a new appointee on a host of issues that could help unleash the potential of the West. That said, I wish Secretary Salazar all the best on his decision to head back west."

AGO campaign: No administration official as aggressively promoted the AGO initiative as Salazar. Based on a Feb. 16, 2011, report the initiative enlisted 15 federal agencies in a campaign to bring Americans to the outdoors.

A central recommendation of the report called for full funding of the Land and Water Conservation (LWCF) but Congressional Republicans have blocked that plan at every turn. Still Salazar at least monthly tied AGO to virtually every action taken by Interior Department agencies.

Monuments: Perhaps Salazar's biggest disappointment was the inability of the Obama administration to protect large landscape-scale tracts of public and/or private land. Republican intransigence about spending LWCF money contributed partially to that. (See *related article page 8.*)

But the administration's campaign to designate millions of acres of national monuments, if it ever had such a campaign, was stopped in its tracks in the spring of 2010 with the release of internal planning documents.

House Republicans obtained an Interior Department paper that analyzed 14 possible new national monuments on 1.6 million acres of public land. House Natural Resources Committee member Doc Hastings (R-Wash.) and ranking House subcommittee on National Parks, Forests and Public Lands member Rob Bishop (R-Utah) published the memorandum.

The resulting brouhaha pretty much eliminated the possibility that President Obama would use the Antiquities Act of 1906 to unilaterally designate landscape scale national monuments. Obama did designate a couple of minor monuments such as Fort Ord in California and Fort Monroe in Virginia.

Wild lands: With the monuments battle largely lost Salazar in December 2010 tried a new strategy - he ordered BLM to inventory and designate for protection wild lands. But western Republicans, countering that such designations would usurp the Congressional authority to designate wilderness, persuaded Congress to cut off money for the program in fiscal year 2011 in an appropriations bill (PL 112-10 of April 15). Congress has continued that ban in subsequent money bills.

Dems, GOP take steps toward 2013 budget rapprochement

House Republicans and Senate Democrats are edging towards an agreement to settle their dispute over major, across-the-board budget cuts. But, as usual, there are very high hurdles ahead.

Last weekend each made a concession that could lead to the prevention of 8.2 percent across-the-board budget cuts at the end of February from a budget sequestration law.

In concession one House Republicans announced at a caucus that

they would increase a federal debt ceiling through May 18, thus avoiding a Constitutional crisis. In return they said the House and Senate must develop budgets. The House January 23 approved by a 285-to-144 vote a bill (HR 325) to allow the debt ceiling to rise.

In concession two Senate Democrats said they would indeed write a Congressional budget this spring, after four years of skirting that responsibility.

The two concessions represent steps not only toward avoiding a February budget sequestration but also toward an agreement on fiscal year 2013 spending by March 27, when a temporary continuing resolution expires.

As for a fiscal 2014 budget request, because of the time Congress and the White House are taking to resolve budget sequestration, the Office of Management and Budget (OMB) said January 11 it will delay submittal beyond the due date of the first Monday in February, or February 4. OMB hasn't said yet when the 2014 request will be submitted.

Meanwhile, there are mountains to climb before the budget sequestration is resolved and fiscal 2013 appropriations are completed. The two sides must agree on spending reductions and a major rewrite of the tax code. And given the dug-in positions of each side on those actions agreements will be hard to come by. But at least the two sides act like they want to avoid the budget sequestration.

This fight was touched off Aug. 2, 2011, when Congress and the Obama administration struck a grand budget agreement (PL 112-25) that required Jan. 2, 2013, budget sequestrations. Those sequestrations called for a reduction of \$1.2 trillion in spending over nine years, beginning with \$100 billion in indiscriminate cuts in fiscal 2013.

Congress and the White House barely avoided the January 2 deadline when they agreed on a bill that will keep the government going until the

end of February without steep budget cuts and without most tax increases. President Obama signed the bill into law January 2 (PL 112-240).

In addition the law extends the existing Farm Bill through September, including conservation programs, albeit in skeleton form.

The sequestration would have imposed 8.2 percent spending cuts on all federal programs on January 3.

OMB in a Sept. 14, 2012, report laid out the anticipated total spending reductions for each federal agency anticipated in fiscal 2013, if the budget sequestration had been triggered.

OMB said that if sequestration happened, the Park Service would have \$218 million less to spend in fiscal 2013 than in fiscal 2012. The Land and Water Conservation Fund alone would have been reduced by \$26 million.

The Forest Service would be hit even harder with cuts of \$172 million for wild land fires, \$129 million for the National Forest System, and \$34 million for Capital Improvement and Maintenance.

Again, Congress and the White House have not yet begun to identify fiscal 2013 spending cuts below the amounts in a temporary six-month spending law (PL 112-175 of Sept. 28, 2012.)

Here are some important dates:

Debt ceiling, mid-February:

The government is due to exceed its borrowing power by the middle of next month. The House would allow the ceiling to rise through May 18.

Sequestration deadline, February 27: PL 112-25 mandates 8.2 percent budget reductions as of this date, unless Congress acts.

FY 2013 appropriations expire, March 27: The first-half fiscal 2013 spending resolution keeps the federal government in money through March 27, meaning an additional appropriations action is needed after that.

FY 2014 budget request, no date:

The Office of Management and Budget says it can't meet a deadline of February 4 for presentation of the fiscal 2014 budget request, but has offered no date certain for its submittal.

Congressional budget, April 15

deadline: The House almost always prepares a Congressional budget, but the Senate has not for the last four years.

California budget is in balance; its parks survive

The great California State Parks crisis is apparently over, at least for a couple of years.

Gov. Jerry Brown (D) ended it when he introduced a balanced fiscal year 2013-2014 budget a fortnight ago that does not call for any park closures.

"The governor's proposal does not significantly alter the Department of Parks and Recreation's budget picture, for better or worse," said Elizabeth Goldstein, president of the California Parks Foundation. "And in the weird Alice-in-Wonderland world we have been living in since last May, that is a good thing."

In addition the Brown budget says the state now has under control two rogue funds containing \$54 million that the parks agency had kept secret, even while the government was closing - or threatening to close - state parks.

Says the budget, "A Department of Finance audit made the following findings: 1) the governance structure over budgeting functions needs improvement; 2) risks over the State Park Contingent Fund exist; and 3) key controls over procurement activities need improvement. The Department concurred with each of these findings and has already reformed or begun systematic changes to its policies, procedures, communication, and training in each area. The Governor has appointed a new Director to oversee implementation of the necessary changes and lead the Department in carrying out its important mission."

The California budget for the Department of Parks and Recreation is significantly more opaque than the federal budget for the National Park System, but the department should have enough money to pay the bills.

The key state parks allocation comes from the general fund. It would provide an extra \$4 million in fiscal 2013-2014 compared to fiscal 2012-2013. The 2012-2013 appropriation was \$110,591,000 and the 2013-2014 request is \$114,552,000.

State parks in California were on schedule for massive closures last year until Brown on Sept. 25, 2012, signed two bills (1) to make up a \$22 million budget shortfall for the California State Parks and (2) to shake free a secret stash of \$54 million that the parks department had been sitting on.

The lead bill (AB 1478) from Assemblyman Robert Blumenfield (D) allocated \$20 million from the secret stash for operation of the state parks. It also appropriated \$10 million from a 2006 conservation bond program for the parks. Another \$10 million could come from private and local matches.

The other bill (AB 1589) from Assemblyman Jared Huffman (D) directed the parks department to develop a plan for generating revenues (more fees) and would allow taxpayers to allocate a portion of refunds to a California State Parks Protection Fund.

As *FPR* has documented, for several years the State of California has been the poster child of problem states that have struggled to keep their parks open during the recession. Even though the state has one of the largest and most-praised park systems in the nation.

CalParks had announced in the spring of 2012 plans to close 70 units of the state's 278 parks by July 1, 2012. But nonprofit groups and individual contributors stepped up to offset the budget cuts.

Then the scandal hit. On July 15, 2012, the *Sacramento Bee* reported that California State Parks was sitting

on a secret \$54 million stash, even as Brown was slashing the agency's budget. The revelation prompted then state parks director Ruth Coleman to resign. Retired Marine Corps General Anthony L. Jackson (Ret.) has succeeded her.

The stash consisted of \$33.5 million in unspent off-highway vehicle (OHV) money and another \$20.4 million in unspent park operations money.

The State Park and Recreation Fund with the spare \$20,378,000 receives money from fees, rents and other revenues collected by state park units. The money is to be used for management, planning and acquisition of the state park system.

The Off-Highway Vehicle Trust Fund with the spare \$33,492,000 receives money from OHV registration fees, transfer fees and OHV-related penalties. The money is to be used for development and acquisition for OHV areas. This is the fund that the legislature has been tapping to help keep parks running, including parks that do not allow OHVs.

Almost 70 million people visit the state's parks annually, and they generate an annual economic benefit of more than \$6 billion statewide.

Despite the controversy over the secret accounts, the state legislature did come through with money to keep the parks going last year by passing AB 1478.

The fiscal 2013-2014 state budget says the California government is working on initiatives to make sure the park system can sustain itself in the future.

"The Administration has been working with stakeholders to develop a sustainable funding model for the parks system," it says. "The 2012 Budget Act proposed the creation of an Enterprise Fund, designed to foster and reward entrepreneurial and revenue-generating activities in the park system. Additional efforts to develop new revenues and balance available resources with expenditures are continuing."

Mammoth Cave latest NPS unit to report serious bat disease

The Park Service said January 16 the national bat disease called "white-nose" syndrome has spread to a new unit of the National Park System - Mammoth Cave National Park in Kentucky.

Not only are several species of bats across the country in danger from white-nose syndrome, but also the loss of the bats could cause an epidemic of pests. The bats kill pests by the millions. And millions of bats have died.

The dead Mammoth Cave bat was found in the 1.3 mile-long Long Cave, which was not open to the public. The Mammoth Cave, open to visitors for more than 80 years, will remain open. Long Cave is not connected to Mammoth Cave.

According to the Center for Biological Diversity, Mammoth Cave is the ninth unit of the National Park System that has reported white-nose syndrome among bats. No park has been closed. Among the units reporting the disease are Chickamauga and Chattanooga National Military Park in Georgia and Tennessee and the C&O Canal National Historic Park.

The syndrome - believed to be caused by a fungus - has killed more than 7 million bats in the last seven years in 19 states and four Canadian provinces, mostly in the East. But the Center fears the disease will spread to huge bat populations in the South and Midwest.

The Center and more specifically its bats champion Mollie Matteson have long demanded increased protection for various bat species by federal land management agencies. In 2010 the Center asked the Fish and Wildlife Service to list two bat species as threatened or endangered under the Endangered Species Act.

More generally the Center has asked federal agencies to close all caves under their jurisdictions to prevent the spread of white-nose syndrome in bats.

On Jan. 21, 2010, the Center petitioned the secretaries of Agriculture, Defense and Interior to bar people from all caves and mines with bat populations. The Forest Service Rocky Mountain Region did ban access to caves in five western states in July 2010.

Mammoth Cave Superintendent Sarah Craighead was not ready to go that far. "The National Parks have a dual role," she said, "to preserve natural treasures and to provide a way for people to enjoy them. Our response to challenges such as white-nose syndrome applies the best available science and research to find the proper balance between those roles, and a sustainable future for our parks."

She added, "About 400,000 people tour Mammoth Cave each year, providing an excellent opportunity for us to educate the public about the importance of bats and the disease. We screen all visitors before they go on a cave tour and visitors walk across decontamination mats as they exit their tours."

Here is how the Center for Biological Diversity describes the situation: "Unfortunately white-nose syndrome threatens to vastly reduce the number of bats in North America. Mortality has reached 100 percent in some caves affected by white-nose syndrome, and often the disease kills 70 percent to 90 percent of bats in a colony."

Here is how the Center describes the value of bats: "One-fifth of all mammal species are bats, which provide vital services in the places they live. Among the most important is controlling insects. A single bat can eat thousands of insects in one night, which benefits people, agriculture and forestry. A recent study found that the value of bats' pest-control services in the United States ranges from \$3.7 billion to \$53 billion per year."

Monuments war resumes with first House GOP limits bill

Rep. Jason Chaffetz (R-Utah) rang the opening bell in the upcoming year-long slugfest between western

Republicans and the Obama administration over protection of wild landscapes.

Chaffetz introduced legislation (HR 250) that would curb the President's power to designate national monuments by requiring Congressional approval.

On a second and closely-related front Republicans already have in place in an appropriations law a provision that forbids the administration from designating "wild lands." Secretary of Interior Ken Salazar in December 2010 directed the Bureau of Land Management (BLM) to designate such lands, but Congress said that usurped its authority to designate wilderness.

Although the appropriations provision is due to expire at the end of March 27 when a temporary spending resolution expires, Congress may extend it with a full-year spending bill. Besides Salazar has told Congress he won't designate any wild lands on his own accord. Of course, Salazar is leaving his post at the end of March.

Both the President's national monument authority and Salazar's wild lands initiative lie at the heart of the battle over protection of large-scale landscapes.

Monuments: There is another huge political factor in the wild landscape war this year - President Obama does not have to run for office again. That may free him to use his authority under the Antiquities Act of 1906 to designate federal lands as national monuments as he wishes.

In the last Congress House and Senate Republicans introduced numerous individual bills to either block a President's authority to designate national monuments or to condition the authority on either the approval of Congress (like Chaffetz's bill) or the approval of the states.

House Republicans last year also inserted in other legislation provisions curbing the President's authority. For instance in a bill that was primarily designed to open public lands to hunting and fishing unless specifically closed,

the House Republicans added a provision that would require state approval of national monuments. The House approved the bill April 17, 2012, but it was not enacted.

If the Obama administration did have a plan in 2009 to designate millions of acres of national monuments, it blew up in the spring of 2010 with the release of internal documents.

House Republicans obtained an Interior Department paper that analyzed 14 possible new national monuments on 1.6 million acres of public land. House Natural Resources Committee member Doc Hastings (R-Wash.) and ranking House subcommittee on National Parks, Forests and Public Lands member Rob Bishop (R-Utah) published the memorandum.

The resulting brouhaha pretty much ruled out the possibility that President Obama would use the Antiquities Act of 1906 to unilaterally designate landscape scale national monuments. Obama did designate a couple of minor monuments such as Fort Ord in California and Fort Monroe in Virginia.

Most recently, the monument debate has focused on southern Utah where the recreation industry is asking for White House designation of a 1.4 million-acre national monument to complement Canyonlands National Park. (*See related article page 11.*)

Wild lands: The Salazar wild lands initiative is pretty much a dead duck now. Western Republicans persuaded Congress to cut off money for the program in fiscal year 2011 in an appropriations bill (PL 112-10 of April 15). A fiscal 2012 Interior appropriations law (PL 112-74 of Dec. 23, 2011) extended the prohibition another year. And a first-half of fiscal 2013 continuing spending resolution (HR 112-75 of Sept. 28, 2012) extends the ban through March 27.

Hastings prefers 'regular order' for bills in omnibus

If Senate Energy Committee Chairman Ron Wyden (D-Ore.) does

succeed in pushing a package of lands bills through the Senate early in this Congress, the package would still need to gain House approval.

And House Natural Resources Committee Chairman Doc Hastings (R-Wash.) has never been eager to address lands bills en masse, particularly if the measures have not been subjected to hearings and mark-ups.

For now a spokesman for Hastings said the chairman prefers that each bill be given full consideration before being added to an omnibus bill. "Chairman Hastings considers regular order to be very important — every bill we moved last Congress went through regular order," he said. That position could prevent Senate leaders from adding bills to a package measure that had not gone through hearings and mark-ups in this Congress.

Private property advocates are aware of the ferment in the Senate and are alarmed about the possibility of an omnibus bill. The American Land Rights Association (ALRA) rang the alarm to its members with a recent bulletin that warned, "(Senate Majority Leader) Harry Reid (D-Nev.) and the Democrat majority on the Senate Energy and Natural Resources Committee are working on the Omnibus Federal Lands Bill they failed to get through Congress before the end of last year. They want to move quickly before the opposition gets organized."

Wyden and his staff have made clear the committee will address numerous land bills as a top priority in this 113th Congress. Whether the committee addresses them singly or in bunches hasn't been decided.

"We had more than 100 bills left over last year," said a committee staff member. "Assuming (Wyden and the Senate leadership) are interested, an omnibus would be a convenient way of doing it. But they may want to take them up individually."

Congress last passed an omnibus lands bill (PL 111-11 of March 30, 2009) in 2009. That law included 160 individual bills including certification

of the Bureau of Land Management's National Landscape Conservation System, designation of numerous trails and wild rivers, and designation of 10 national heritage areas.

It also established three new national parks: a Paterson Great Falls National Historical Park in New Jersey; a William Jefferson Clinton Birthplace Home National Historic Site in Arkansas; and a River Raisin National Battlefield Park in Michigan.

In addition the law added more than half a million acres of new wilderness to five national park units: Pictured Rocks National Lakeshore in Michigan, 11,700 acres; Joshua Tree National Park in California, 36,000 acres; Sequoia and Kings Canyon National Parks in California, 85,000 acres; Rocky Mountain National Park in Colorado, 249,000 acres; and Zion National Park in Utah, 124,000 acres.

Omnibus candidates: Here is a sample of the several dozen bills that might have been candidates for an omnibus bill last year and may well be candidates this year: reauthorization of the Federal Land Transaction Facilitation Act; a House-passed bill that would declare federal public lands open to hunting and fishing unless specifically closed; a hotly-contested House-passed bill that would require federal land managers to cooperate with Border Patrol agents who operate on federal lands near Mexico and Canada; a House-rejected bill that would designate a Manhattan Project National Park to commemorate the development of the Atomic Bomb; and a bill introduced in the Senate that would designate 195,000 acres of Forest Service land and 13,000 acres of BLM land as a Rocky Mountain Front Conservation Management Area.

Wildlife bills: In a separate category is a group of quite different House and Senate omnibus wildlife bills introduced in the last Congress. An omnibus Senate bill (S 3525), introduced by Sen. Jon Tester (D-Mont.), was stopped Nov. 26, 2012, by a procedural objection. It included 19 individual bills, including one that would have

allocated at least 1.5 percent of federal Land and Water Conservation Fund money to provide access to federal lands for hunting and fishing.

If the Senate had passed S 3525, either by itself or as an amendment to a separate bill, it would have had to be reconciled with House-passed legislation. And the two sides would have been far apart.

That's because the House approved a quite different package of sportsmen's legislation (HR 4089) April 17, 2012, that would declare all public lands open to hunting and fishing, unless specifically closed. That measure includes a number of other provisions that the Senate is sure to reject, such as limitations on national monument designation.

Enviros: GOP has good idea in Canyonlands public process

Environmentalists who have endorsed Presidential designation of a Canyonlands National Monument agree with their critics in the Utah Congressional delegation on a crucial point - there should be a public vetting of the idea before designation.

"Deciding how to best manage and protect Greater Canyonlands requires consideration for tribal access to sites, conservation designations, recreation priorities, certainty for the energy industry, state trust land exchange and RS 2477 claim resolution, among many other complex issue," five environmental groups led by the Southern Utah Wilderness Alliance (SUWA) wrote Utah Gov. Gary Herbert (R) last month.

"This is not an impossible task, but it will require leadership on your part to build a fair process that invites the input of the general public," they added. Joining SUWA were the Natural Resources Defense Council, the Sierra Club, the Grand Canyon Trust and the Great Old Broads for Wilderness.

When recreationists in November called on President Obama to designate unilaterally a 1.4 million-acre

Canyonlands monument in southern Utah Herbert's Republican allies in Congress protested. Sens. Orrin Hatch and Mike Lee and Reps. Rob Bishop and Jason Chaffetz said Congress should do the job.

But they also said the public must be consulted first, however a monument is designated. As the Republicans wrote President Obama Nov. 14, 2012, "Federal land-use decisions must be cultivated in a collaborative process that balances various stakeholder uses and priorities. Utahns of all economic and political backgrounds must be involved in this process. Presidential decrees preclude this process and would be detrimental to our state."

So the environmentalists have essentially called the delegation's bluff.

The idea of a Canyonlands National Monument was revived Nov. 13, 2012, by more than 100 recreation-related businesses and the Outdoor Industry Association. They asked Obama to designate the monument on BLM lands adjacent to Canyonlands National Park. The Antiquities Act of 1906 authorizes a President to designate national monuments from federal lands without Congressional action.

"We are writing to encourage you to protect Greater Canyonlands - the magnificent 1.4 million-acre region of publicly-owned wildlands surrounding Canyonlands National Park in southern Utah - by proclaiming it a national monument," said the association and five pages of associations and companies such as Patagonia.

A spokesperson for Utah Gov. Gary Herbert (R) told us at the time that the state would object to a reprise of the 1996 designation of a 1.9 million-acre Grand Staircase-Escalante National Monument by President Clinton.

Said Ally Isom, deputy chief of staff and spokesperson for Herbert, in a statement provided to PLN, "No one has formally approached the Governor or his office about a proposed monument in Utah. We certainly hope we don't have another

Bill Clinton approach to creating a monument. Canyonlands (National Park) was established by statute and any expansion ought to be rightly created by statute involving all interested parties including Utah stakeholders."

Herbert's office did not respond to our request for comment on the environmentalists' recommendation of a public discussion of a Canyonlands National Monument designation.

(Gov. Herbert and the rec industry may not speak with one voice about a possible Canyonlands National Monument, but they did agree January 23 on a "recreation vision" posited by the governor. Recreation industry leaders meeting at the Outdoor Industry Association trade show in Salt Lake City praised the document. It includes more than 40 recommendations.

Said Frank Hugelmeyer, president and CEO of the association, "The outdoor industry applauds the Governor for his commitment to turn this vision into a reality so that outdoor recreation and Utah's public land may continue to sustain economic dividends into the future.")

Rep. Chaffetz introduced a bill (HR 250) January 15 that would require Congressional approval of any national monument designated by a President.

As the recreation industry suggested, Herbert is going in a different direction from them. He signed legislation March 23, 2012, that requires the federal government to turn all public lands in Utah over to the state.

Several steps are yet to be taken under the Utah law. The bill established a Constitutional Defense Council and directed it to write legislation to administer the transfer of federal lands. In addition the law called for the transfer of all federal lands enumerated in HB 148 to Utah by Dec. 31, 2014.

Notes

Senate Dems propose Farm Bill.

Seventeen Senate Democrats introduced legislation (S 10) January 22 that would establish new farm policy through 2018, complete with conservation programs. Senate Majority Leader Harry Reid (D-Nev.) was the lead sponsor. The bill is a reprise of a measure the Senate approved in the last Congress but was not enacted because the House could not pass a counterpart bill. Instead, Congress extended the old 2008 Farm Bill through September to provide time to write a new bill. The extension was included in a measure that delays a giant budget sequestration until the end of February (PL 112-240 of January 2). However, conservationists and sportsmen worry that if Congress does not write a new Farm Bill - a good possibility given the gridlock on Capitol Hill - many conservation programs related to agriculture policy would expire. S 10 would keep most of those programs alive, albeit with reduced spending.

President signs Pinnacles bill.

President Obama signed into law January 10 (PL 112-245) legislation that converts a Pinnacles National Monument into a Pinnacles National Park. Supporters argue that the area in central California is home to many species including the California condor and deserves to be recognized as a national park. Rep. Sam Farr (D-Calif.) introduced the bill. Sen. Barbara Boxer (D-Calif.) introduced a Senate bill. Said Farr, "Today is a great day not just for California but for all Americans, who will want to now come visit this geological and ecological wonder." Said Neal Desai, Pacific Region Association Director, National Parks Conservation Association, "The park's sanctuary for the California Condor and native wildlife, its red crags, caves, impressive displays of spring wildflowers, and opportunities for star viewing under its noteworthy dark skies make Pinnacles a special place and worthy of its national park status for future generations to enjoy." The 26,000-acre park is located in an area of growing population.

President okays Glacier pipeline.

President Obama signed into law January 14 (PL 112-268) legislation that reauthorizes natural gas pipelines in

Glacier National Park. The legislation is not as ominous as it sounds because it simply allows for an extension of existing gas pipelines that run through the park and authorizes maintenance on the pipelines. Former Rep. Dennis Rehberg (R-Mont.) introduced the House bill and his sworn enemy, Sen. Jon Tester (D-Mont.), sponsored a counterpart Senate bill. Rehberg ran unsuccessfully for Tester's Senate seat in the November elections.

Companies run state parks? A conservative group called the Conservation Leadership Council published a fortnight ago an article that describes a model for a private company to run an entire state park. The piece, prepared by researchers at the Reason Foundation, says many states already hire private concessioners for such services as food preparation and marinas. But given tight state budgets and \$18.5 billion in unfunded state park needs, the authors say businesses can do more in parks. "Such a whole park operation (public-private partnership) would transfer the responsibility of maintaining the park to a private operator, while enabling that operator to raise revenue through entrance and other fees," write authors Leonard Gilroy, Harris Kenny, and Julian Morris. The nation's 6,000 state parks hosted 725 million visitors in 2010, according to the America's State Parks Foundation. The Conservation Leadership Council consists of an alliance of leading conservatives including former Secretary of Interior Gale Norton. They held a conference in early January to offer free market solutions to conservation problems. The council distributed several policy papers it has commissioned, including the one on state park management. Council leaders include, in addition to Norton, former Secretary of Agriculture Ed Schafer and former Deputy Secretary of the Interior P. Lynn Scarlett. The council met in Washington, D.C. The council website is at <http://www.leadingwithconservation.org/>.

Everglades backers back WRDA.

If the progress in restoring the Everglades of the last four years is to continue, then Congress should authorize

additional construction projects in a new Water Resources Development Act (WRDA), Everglades supporters said January 11. At the annual Everglades Coalition Conference at the Biltmore Hotel in Coral Gables, Fla., Jennifer Hecker, state co-chair for the Everglades Coalition, said, "A sustained fiscal and political commitment from our state and federal partners is essential for advancing Everglades restoration, including securing the passage of a Water Resource Development Act in 2013. Without continued timely authorizations and appropriations of funding, we will be unable to maintain our momentum for restoration efforts needed to reverse the ecological degradation that is threatening wildlife, our water supply, and South Florida economies that depend on this iconic natural resource." Indeed Senate Environment and Public Works Committee leaders published in November a draft WRDA bill but it would not have authorized new Everglades restoration projects. Instead, the draft bill prepared by committee chair Barbara Boxer (D-Calif.) and then ranking Republican James Inhofe (Okla.) concentrated on reforms that would cost little. The restoration of the Everglades would cost more than \$10 billion. The major national policy thrust in the Everglades has been a multi-billion-dollar Comprehensive Everglades Restoration Project (CERP). Congress authorized CERP in 2000 in a previous WRDA law. Under it the Corps of Engineers, the State of Florida and Interior Department agencies are charged with carrying out major projects to restore the Everglades. However, Congress must still authorize and appropriate money for the individual CERP projects and the draft Senate committee WRDA bill does not include any.

House committees organize. The House Natural Resources Committee January 23 met for the first time in this Congress with the expected leadership. Key figures are chairman Doc Hastings (R-Wash.), ranking Democrat Edward Markey (Mass.), subcommittee on Public Lands chair Rob Bishop (R-Alaska) and ranking Democrat on the Bishop subcommittee Raúl Grijalva (D-Ariz.) In a separate development the House

Transportation Committee January 16 announced that long-time recreation and trails friend, Rep. Tom Petri (R-Wis.), will serve as subcommittee on Highways and Transit chair in this Congress. If the House prepares a multi-year surface transportation bill, no great possibility, Petri will by definition be a lead architect, if not the lead architect. Petri has historically supported recreation programs in previous transportation bills.

Barna and Wicker leaving. Pardon our self-indulgence, but we'd like to offer a little praise to two of the most helpful players in the Washington, D.C., park and rec policy game, who are stepping down shortly. National Park Service Chief Spokesman David Barna said January 16 he will retire after 38 years of federal service. He has been NPS's chief spokesman since 1995. Among his accomplishments, Barna said, was eight years of work with Ken Burns on the 12-hour film *The National Parks: America's Best Idea*. We remember Barna more for his many kindnesses. A lot of spokesmen in this town take great care of national publications and not so great care of trade journals. But Barna never failed to respond to us quickly and with substantive answers. Wicker served as spokesman for former Senate Energy Committee Chairman Jeff Bingaman (D-N.M.), who retired at the end of last year. As we told the press aides to Bingaman's replacement as chairman, Sen. Ron Wyden (D-Ore.), if they do the job half as well as Wicker we would be happy. We are grateful for their assistance and guidance.

TWS cites 10 BLM achievements.

The Wilderness Society (TWS) January 8 praised the Obama administration for taking ten major steps in 2012 to protect Bureau of Land Management (BLM)-managed lands. And it called on the administration to continue that record in 2013. "Managing millions of acres across the nation for their various uses is no easy task," said Nada Culver, senior director of agency policy at The Wilderness Society. "With good public participation, smart agency decisions and the will to see things to fruition, we continue to see valuable conservation measures being enacted by the BLM year

after year." On TWS's list of 2012 BLM accomplishments are a policy for locating western solar plants.

Conference Calendar

JANUARY

27-30. **National Association of Conservation Districts Annual Meeting** in San Antonio, Texas. Contact: National Association of Conservation Districts, 509 Capitol Court, N.E., Washington, D.C. 20002. (202) 547-6233. <http://www.nacdnet.org>.

FEBRUARY

5-6. **National Ski Areas Association Eastern Conference**. Contact: National Ski Areas Association, 131 South Van Gordon St., Suite 300, Lakewood, CO 80228. (303) 987-1111. <http://www.nsaa.org>.

MARCH

2-3. **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>.

10-14. **Association of Partners for Public Lands Annual Convention**. Contact: Association of Partners for Public Lands, 2401 Blueridge Ave, Suite 303, Wheaton, MD 20902. (301) 946-9475. <http://www.appl.org>.

19-21. **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/legforum/>.

19-23. **National Outdoor Recreation Conference** in Traverse City, Mich. Contact: The Society of Outdoor Recreation Professionals at National Outdoor Recreation Conference

23-27. **American Alliance for Health, Physical Education, Recreation and Dance Annual Meeting** in Charlotte, N.C. Contact: AAHPERD, 1900 Association Drive, Reston, VA 20191. (703) 476-3400. <http://www.aahperd.org>.