

# Federal Parks & Recreation

Editor: James B. Coffin

Subscription Services: Celina Richardson

Volume 30 Number 2, January 27, 2012

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## **FS takes steps to drop rec fees for high impact areas**

The Forest Service last month issued new recommendations to the field that, if followed, would essentially eliminate fees for high impact recreation areas (HIRAs).

Fees for HIRAs have for years irritated a number of recreation visitors. The critics object to paying fees to enter broad areas - i.e. the HIRAs - that include a number of developed recreation sites. But they don't object as much to paying fees for developed sites, such as campgrounds.

The critics, led by the Western Slope No-Fee Coalition, argue that Congress in the first instance did not authorize the service to charge area-wide fees.

Instead of HIRAs, the service is indicating it will substitute standard amenity fees and expanded amenity fees. But the agency will no longer charge for such things as parking near recreation areas.

"I hope what this means is they will get rid of fees at trailheads," said Kitty Benzar, president of the Western Slope No-Fee Coalition. "That's the way it's coming down from Washington. How the field offices implement it remains to be seen." The coalition is the lead organization that objects to rec fees.

The Forest Service changed its policy in a series of recommendations to regional offices. The change comes after five years of criticism of HIRAs from recreationists and Congressmen from both political parties.

The service's recommendations are

quite specific. They advise regions as to which specific areas should be converted from HIRAs to standard amenity fees. For instance, in response to an advisory from the Washington, D.C., office, Region 2 of the Forest Service (Colorado, Wyoming, South Dakota and Nebraska) has proposed removing the HIRA status for four areas, all in Colorado.

The Washington office agreed with three but said more work was needed on an Arapaho Roosevelt National Recreation Area. In a December 16 letter to the acting regional forester, Acting Deputy Chief of the National Forest System James M. Pena said, "The Washington Office recognizes that its support of the three proposals does not mean they will be implemented as proposed. The next step in the Area Review process is public involvement, culminating with a presentation to the Colorado Recreation Resource Advisory Committee for a recommendation."

Benzar said she suspects the Forest Service made the change to eliminate HIRAs because the agency knows that the underlying rec law, the Federal Lands Recreation Enhancement Act (FLREA) of 2004, expires on Dec. 8, 2014. And Congress may change the law. "I think the Forest Service knows Congress is not going to allow them to retain HIRAs," she said.

Benzar had been in negotiations with some representatives of the recreation industry on legislative revisions to FLREA in this Congress, but those talks have broken down.

Nevertheless, the recreation industry in an annual meeting January 8-11 in Williamsburg, Va., invited Benzar to their Partners Outdoors 2012 confab. At the meeting she criticized both the Forest Service and private concessioners for ignoring the public.

"As the importance of corporate and fee-based funding has increased, the role of the public in setting recreation policy has eroded," she told the gathering.

The fiscal 2011 administration budget projected that FLREA would

produce \$264.5 million, with 80 percent retained by the agencies. The lion's share, \$173 million, was to be collected by the Park Service, followed by the Forest Service with \$67.5 million, the Bureau of Land Management with \$18.7 million, the Fish and Wildlife Service with \$4.8 million and the Bureau of Reclamation with just under \$500,000.

In the last Congress four western senators - two from each party - introduced legislation (S 868) that would repeal FLREA. The four are Montana Sens. Max Baucus (D) and Jon Tester (D) and Idaho Sens. Mike Crapo (R) and James E. Risch (R).

Repeal would not affect entrance fees to developed sites federal land managers charge under the Land and Water Conservation Act. It would, however, make these changes:

- \* eliminate collection of "standard amenity fees" at developed sites that the 2004 law authorized for the Forest Service, BLM, and the Bureau of Reclamation,

- \* eliminate retention of recreation fees by the agencies and return use fees to the U.S. Treasury,

- \* cap entrance fees charged by NPS at \$25 for a single visit by car, \$12 by foot or bicycle, and \$40 for an annual pass (instead of \$15), although NPS would still retain old entrance fee authority,

- \* eliminate a multi-agency American Passport and reinstate the old Golden Eagle and Golden Age Passports charged by the Park Service, and

- \* increase the Golden Eagle passport fee from \$25 to \$65.

## **California closing parks, but feds may be adding lands**

Just as the Department of Interior is pondering the addition of two major conservation areas in California, Gov. Jerry Brown (D) is gearing up to close 70 state parks. And to slash ranger levels in the state park system to the bone.

The enacted fiscal year 2011-12 California state budget mandates the

closure of 70 of the state's 278 parks by July 1. That will save \$11 million.

In addition, the governor has proposed a fiscal 2012-13 budget that could eliminate 20 percent of ranger positions in the state park system and all lifeguard positions. That would save another \$22 million.

Oppositely, on the federal level the Park Service is taking public comment on a proposal to add some or all of the 700,000-acre San Gabriel watershed outside Los Angeles to the park system. And the Obama administration is reportedly considering the designation of Fort Ord as a national monument.

**Fort Ord:** Secretary of Interior Ken Salazar a fortnight ago made noises that he will recommend the designation of Fort Ord near Monterrey as a monument. He was cheered on by the local Congressman, Rep. Sam Farr (D-Calif.), and conservationists. The monument would be managed by the Bureau of Land Management (BLM).

After a listening session in Marina, Calif., January 13, Salazar said, "Today I heard broad-based community support from many diverse stakeholder groups and organizations who want to protect the unique natural resources of Fort Ord and to build upon the great recreational opportunities that the public lands have to offer."

Said Farr at the event, "With the help of President Obama's Great Outdoors Initiative and continued community support, I have no doubt that we can continue to preserve this Central Coast jewel for future generations."

The Fort Ord Reuse Authority has, since Congress established it in 1994, been preparing the transfer of pieces of the fort to BLM, to California state parks, to colleges and universities, and to other uses. More than 7,000 acres have been transferred to BLM from the 28,000-acre post and another 7,450 acres may be transferred. Presumably, a monument designation would parallel the latter transfer. More information is available at <http://www.fora.org/>.

Conservationists are actively supporting the national monument idea. On January 19 environmental groups and their allies held a press conference to decry Republican attacks on wild lands. At the event they called for the designation of Fort Ord as a national monument.

Said Mart Starr, program director for the Vet Voice Foundation, "We're very hopeful that in California we will see the designation of Fort Ord as a national monument. Secretary Salazar was at Fort Ord last week to take comments from the public. There has been no official position from the administration or the Department of Interior but we're hopeful."

**San Gabriel:** The Park Service recommended in a draft study Oct. 17, 2011, the inclusion in the National Park System of a portion of 700,000 acres in the San Gabriel Watershed and Mountains in greater Los Angeles.

But NPS recommended against a traditional national park owned and operated by the agency. Instead it called for a national recreation area (NRA) managed in partnership with landowners in the area. The landowners include the Forest Service, which manages 415,000 acres of the Angeles National Forest.

The proposal raised alarms among property rights groups. They fear it will raise the same issues as Congressional designation of the nearby Santa Monica Mountains National Recreation Area more than two decades ago. That is, loss of private property to federal acquisitions.

Chuck Cushman, president of the American Land Rights Association (ALRA), said his group has been conducting a guerilla war during the current round of public hearings, sending out 40,000 E-mails a day to its members. The Park Service has extended a public comment period until February 13.

In addition to the land rights issue ALRA questions the cost if the Park Service were to acquire private land in and around Forest Service

holdings in the San Gabriel area.

"The proposed new San Gabriel Mountains National Recreation Area and the Rim of the Valley National Recreation Areas (a nearby area that is also being studied for inclusion in the park system) are likely to cost \$7 billion," ALRA told its members. "That could be grossly understated. The funding required would detract from existing national parks that are already strapped for funds for basic health, safety and visitor services."

In the study the Park Service downplayed the possible cost of a San Gabriel unit and possible loss of private land. Of the preferred alternative D in the study it said, "The majority of land in the proposed NRA is owned and managed by public agencies. Lands within the NRA would remain under their current ownership and jurisdictions, with each land management agency continuing to fund its own operations. The need for NPS land acquisition would be small, targeted for protection of significant resources, and subject to funding availability. Partner agencies would also contribute funds for land acquisition within the NRA when funding is available."

The study estimates operating costs of an NRA at between \$2 million and \$4 million per year.

**California State Parks:** While the feds are talking additional spending for Fort Ord and San Gabriel, Gov. Brown is going in the other direction. On January 5 he proposed a fiscal 2012-13 budget that recommends a \$22 million reduction in parks funding. According to the California State Parks Foundation, the budget would eliminate all lifeguards and cut 20 percent of ranger positions.

In the fiscal 2011-12 budget the state is already committed to shuttering 70 of the 278 state parks. These closures come on the heels of years of promised closures.

The powerful California State Parks Foundation, which helped head off closures for years, will try again.

It has launched a *Defend What's Yours* campaign to keep the state parks in business.

Said foundation president Elizabeth Goldstein, "The governor's budget proposal not only locks the gates to one-quarter of the state parks system - 70 parks - but it further threatens Californians' ability to visit and enjoy their state parks with safety and confidence."

She added, "Proposing to eliminate all lifeguards on state beaches and one-fifth of all state park rangers is a grave threat to the public's safe access to state parks. This cut goes too far and must be stopped."

Coincidentally, the National Association of State Budget Officers January 21 told *Bloomberg News* that many states are making economic recoveries. The association said 15 states show higher revenues for the current fiscal year than expenditures. And many other states are closing the gap.

## **Parks, rec get role in Obama international visitor plan**

The White House excited the outdoor community January 19 by launching a government-wide campaign to attract foreign tourists to the United States.

An executive order from President Obama gives visitation to parks, refuges and related sites a prominent seat at the table. At the bottom line the administration intends to greatly expand tourism from China, India and Brazil, three nations with rapidly expanding economies.

"We're going to see how we can make it easier for foreign tourists to find basic information about visiting America," Obama said at an event at Walt Disney World in Orlando. "And we're going to see how we can attract more tourists to our national parks. We want people visiting not just Epcot Center, but the Everglades, too."

The President said the secretaries

of Interior and Commerce will head up a task force to recommend methods of increasing tourism visits to the United States. The task force will work with the Corporation for Travel Promotion (better known as BrandUSA) to promote the United States.

BrandUSA is a nonprofit group established by Congress that has a \$200 million budget. The money for the campaign is to come from nonfederal sources, mostly private industry. Brand USA's website is at [www.thebrandusa.com](http://www.thebrandusa.com).

National parks are a major focus of the President's campaign. Presently, about 10 percent of visitors to the parks come from foreign countries. Backers of the White House strategy hope to increase that by 50 percent over the next two years.

Coincidentally or not, the three major Park Service support groups held a summit this week in Washington, D.C. to discuss the future of the agency. The *America's Summit on National Parks* is attempting to build on a major new NPS report, *A Call to Action*, that establishes a 36-point agenda for the parks. Among other things the participants are attempting to make parks and outdoor policy part of the political baseline.

The summit is being hosted by the National Parks Conservation Association, the National Parks Foundation and the National Park Hospitality Association.

The Obama international strategy has a different focus. The theory holds that the United States over the last two decades has lagged behind other countries as a tourist destination for international travelers. The theory continues that the United States has not worked hard enough to lure middle class citizens from emerging economic powers such as China, Brazil and India.

In fact the United States has imposed tough visa laws to protect the country from terrorists in the wake of the September 11 attacks. As part of the President's new strategy the State Department will expand a Global Entry Program to make it easier for visitors

to get around once they arrive in the United States. However, the country will continue with rigorous background checks.

Once visitors arrive the Interior Department-Commerce Department task force will try to persuade them to visit park and recreation areas. Said the White House:

"A particular focus of the Task Force will be on strategies for increasing tourism and recreation jobs by promoting visits to our national treasures. The Department of the Interior manages iconic destinations in our national parks, wildlife refuges, cultural and historic sites, monuments and other public lands that attract travelers from around the country and the globe."

The White House added, "Eco-tourism and outdoor recreation also have an outside impact on rural economies, particularly in Arizona, California, Colorado, Florida, Nevada, North Carolina, Oregon, Utah and Wyoming."

The Obama administration didn't mention increased visitation to state and local parks and recreation areas. But Tom Wolfe, Washington representative of the National Association of State Park Directors, said, "We welcome and appreciate what the President has done, both with this initiative and with the America's Great Outdoors. It stands to reason that state parks will benefit to some degree from this campaign."

Several federal departments followed up on Obama's announcement the next day (January 20) by holding an inaugural meeting of the Federal Interagency Council on Outdoor Recreation (FICOR). The council has a broad charge "to improve access to federal lands, promote outdoor education through interagency coordination, support recreation-based activities to stimulate local economies and back conservation measures to maintain healthy lands."

At the January 20 meeting the FICOR members agreed to upgrade the federal outdoor recreation website,

www.recreation.gov. Participating departments include Agriculture, Army and Interior. The Council on Environmental Quality is honchoing the group.

## **Ski resorts take new FS water policy to court as taking**

The nation's ski industry declared war earlier this month against a new Forest Service water rights policy. The ski resorts - most of which operate on national forest land - say the policy could take their water rights without compensation.

The National Ski Areas Association (NSAA) said in a lawsuit it filed in federal court that the policy "prohibits ski area operators from selling water rights used at the ski area to anyone except the future ski area operators, even water rights that the ski area obtains from private lands or lands miles away from the ski area."

The association said the policy could affect other claimants of water rights that arise on national forest lands, including "cities and counties, owners of recreation residences, marinas and summer resorts, ranchers, mining interests and utilities."

A lot of money is involved here if resorts could not sell water rights. Vail Resorts alone says it holds water rights valued at \$18.3 million.

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

Most of the nation's largest ski facilities are located on national forest land. The resorts pay a complicated set of fees to the federal government for long-term permits, usually 40 years.

Said the association in a statement on the lawsuit, "The controversial water rights clause requires ski areas operating on Forest

Service land to transfer ownership of many types of water rights to the United States government, including water rights that have been purchased with private dollars by ski areas for business operations." NSAA said that is akin to the government trying to take title to such ski resort property as grooming machines or chairlifts.

The Forest Service said in its handbook that the reason for the new policy is to clarify the rights of the government as well as the ski resort operator under the Ski Area Permit Act of 1986. The implication was that the ski operators were gaining equity in the form of water rights on the taxpayers' dime.

The Forest Service would not comment on the lawsuit, referring us to the Justice Department. In turn Justice would not comment on "pending litigation," a spokesman said. He did say the administration is scheduled to file its response to the lawsuit March 12.

The 1986 act established conditions under which ski resorts operate on national forest lands, such as 40-year permits.

In 2004 the Bush administration established a policy that required ski permit holders to share water rights from permitted land with the Forest Service. Such water rights are allocated by states.

Before 2004 permit holders were not required to assign water rights to the Forest Service. Crucially, the Forest Service in 2004 did not require assignment of water rights obtained by a permittee *outside* the permitted lands.

On Nov. 8, 2011, the Obama administration revised the 2004 policy in a Special Uses Handbook and did require assignment of *all* water rights held by the permittee, from permitted lands, from other national forest lands and from private lands. The intent was to protect the federal government's interest in the water.

But NSAA argued in U.S. District

Court in Colorado the Forest Service was effectively taking their property without compensation because it restricts use of the water to the ski permit.

Says the handbook, "This water and these water rights shall continue to be used primarily in support of the winter or year-round resort and related facilities authorized by this permit. If that use is not reauthorized, the holder shall transfer the holder's interest in water rights that are jointly owned . . . to the United States."

NSAA said the new handbook language has already been inserted in three permits - for Powderhorn in Colorado, Alpine Meadows in California and Stevens Pass in Washington.

## **NPS finally completes Cape Hatteras ORV regulations**

After almost four years of controversy the Park Service bit the bullet January 23 and issued a final rule on off-road vehicle (ORV) use in Cape Hatteras National Seashore.

The rule keeps 28 miles of the seashore open to ORV uses and designates 26 miles of vehicle-free areas (VFAs).

The Park Service says in a 218-page record of decision that the rule will protect turtles and other species while allowing ORV use to continue.

Sums up the record of decision (ROD), "In addition to providing species protection both during the breeding and nonbreeding seasons, the selected action will also provide more flexibility and a range of experiences for visitor use and will enhance access to both VFAs and designated ORV routes by establishing new parking areas, pedestrian trails, interdunal routes, and ORV ramps."

The final rule replaces an April 2008 consent decree that settled an environmentalist lawsuit against a previous seashore plan. The decree had governed ORV use in the seashore until now. The new rule is scheduled to go

into effect shortly on February 15.

One of the plaintiffs in the original lawsuit, Defenders of Wildlife, applauded the Park Service decision. "With both the number of hatchlings and visitors to the beach climbing, the success of responsible beach management is clear," said Jason Rylander, senior attorney for Defenders. "The new rules will ensure that Cape Hatteras continues to provide enjoyment to beach users while protecting the unique wildlife that call the seashore home."

But the United Four wheel Drivers Association says the plaintiffs are only interested in keeping ORVs off the beach, period. "While it may appear on the surface that Defenders and other self-professed 'conservation organizations' are interested in species protection, the facts demonstrate they are really interested in preventing all ORV use and only protecting species as a means to an end - the end of ORV use on NPS units," the association said last year.

The ROD said the rule will protect turtles, birds and other species. "The year-round designation of VFAs and ORV routes, in conjunction with the species management strategies described in the final plan/EIS . . . will provide for species protection during both the breeding season, using the standard set of buffers from table 10-1 in the final plan/EIS, and the nonbreeding season," it said.

The ROD also said the rule will also protect the local economy. "The selected action also best addresses potential adverse impacts to the local economy in the villages by providing for a variety of uses" than some other alternatives, the ROD continued.

The 67-mile seashore received more than 2.2 million visitors in 2009, which is eight times the visitation of 1955. Much of that visitation is driven by ORV use, sometimes at the detriment of wildlife.

The Park Service said it will conduct a review of the impact of the rule in five years. The rule was

published in the *Federal Register* January 23. The ROD is available at <http://parkplanning.nps.gov/document.cf?parkID=358&projectID=10641&documentID=38008>.

## **Hill may be near FAA deal and change in NPS tour policy**

Congressional leaders said January 20 that they have reached broad agreement on a labor issue that has held up legislation to authorize Federal Aviation Administration (FAA) operations. The legislation would also revise Park Service air tour policy.

This week Congress was moving a bill (S 3800) to extend the old FAA law through February 17 in order to provide time to conclude negotiations between the House and Senate.

Both houses have passed legislation (HR 658 in the House and S 223 in the Senate) to extend FAA authorizations and to revise overflight law.

Senate Majority Leaders Harry Reid (D-Nev.) said January 20 that he and Speaker of the House John Boehner (R-Ohio) did not reach total agreement. But, he said, "While some issues remain, there is no reason we cannot resolve them in the coming days and avoid any risk of another FAA shutdown."

The House approved its multi-year FAA bill April 1, 2011. HR 658 would establish new aviation policy in general and overflight policy in particular for the next four years. Among other things the bill would exempt parks with 50 or fewer air tours per year from preparation of an air tour management plan.

The House provision, in a bill introduced by House Transportation Committee Chairman John Mica (R-Fla.), would allow parks to negotiate "voluntary agreements" directly with air tour operators now in business. The voluntary agreements would have to meet the approval of FAA and NPS.

Says the bill, "A voluntary

agreement under this paragraph with respect to commercial air tour operations over a national park shall address the management issues necessary to protect the resources of such park and visitor use of such park without compromising aviation safety or the air traffic control system . . ."

The Senate approved its multi-year FAA bill Feb. 17, 2011. S 223 would establish new aviation and air tour policy for just two years.

The Senate overflight provision, crafted by Sen. Ron Wyden (D-Ore.), addresses the old problem of the division of labor between FAA and NPS. The provision says FAA is responsible for controlling airspace over the country and the Park Service is responsible for protecting the parks, effectively giving NPS more muscle in disputes with FAA.

The key bill wording says, "(FAA) has sole authority to control airspace over the United States. (NPS) has the sole responsibility for conserving the scenery and natural resources in National Parks and providing for the enjoyment of the National Parks unimpaired for future generations."

While Wyden was at it, he included language in his provision that would allow Crater Lake National Park to reject applications for air tours over the park until an air tour management plan was written. And it's highly unlikely that an air tour plan will be written anytime soon.

In the labor dispute the Democratic Senate and the Republican House have disagreed for years on rules governing labor representation for airlines. The Democrats would make it easier for unions to gain representation and the Republicans more difficult.

## **No guarantees but highway bill headed for House mark-up**

The House Transportation Committee has tentatively scheduled a mark-up of a multi-year surface transportation bill for February 2, but the panel is not

sharing details on the measure. Other than a cursory outline that has been around for months.

Most outdoor leaders anticipate bad news from the bill. Committee chairman John Mica (R-Fla.) has let it be known he has a low opinion of trails and byways and a high opinion of road construction projects that compete for the same dollars.

In addition Mica and House Republican leaders have not come up with a strategy for paying for a bill. Speaker of the House John Boehner (R-Ohio) has said repeatedly the House would draw money from new public lands energy initiatives. But those initiatives are not expected to come anywhere near the \$12 billion needed to flesh out the \$40 billion per year program.

The counterpart Senate Environment and Public Works Committee is in a similar fix over a bill (S 1813) it approved Nov. 9, 2011. The measure also falls \$12 billion short and Senate Democratic leaders have given no indication where they will find the money.

The difference between the two approaches has convinced such key players as Secretary of Transportation Ray LaHood that Congress will not pass a bill this year and will have to extend the old law. "I believe we'll probably have to wait until next year to get to a surface transportation bill because of the huge differences," he told the Transportation Research Board January 25.

The Senate and House do have a little time to complete a surface transportation bill because Congress approved an extension of the existing law - the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users - until March 31 (PL 112-30 of September 16).

House Speaker Boehner has set his sights on revenues from public lands energy development to pay for the House version of a six-year surface transportation bill. Two energy bills

have been introduced. One would expedite oil and gas leasing in the coastal plain of the Arctic National Wildlife Refuge (HR 3407). Another would expedite oil shale development in Colorado, Utah and Wyoming (HR 3408).

Boehner said at the beginning of the month the House would wrap the two energy bills into an overarching highway/energy bill numbered HR 7.

Boehner's proposal has been greeted negatively by the Obama administration, House Democrats and environmentalists. They say the proposal would produce only \$19 billion over the next ten years, well short of the \$72 billion needed.

Mica expanded on his past stance in favor of program consolidation January 24 in an editorial in *The Hill* newspaper. "Currently, there are more than 100 federal surface transportation programs, many of which are duplicative or were created over the years to address issues beyond the original programmatic goals," he wrote.

"This proposal will dramatically consolidate and reduce the number of programs and refocus the Highway Trust Fund on its original core functions and programs that are truly in the federal interest, primarily for highway and bridge improvements," Mica added.

On the other side of the Hill seven Republicans on the Senate Finance Committee in November proposed using Land and Water Conservation Fund (LWCF) money to help pay for the Senate committee bill, S 1813.

Led by ranking committee Republican Orrin Hatch (Utah), the seven (of 11 Republicans on the panel) reasoned that Congress never appropriates full funding of \$900 million per year from LWCF, so Congress might as well allocate \$250 million per year for road construction.

In a letter to Senate Finance Committee Chairman Max Baucus (D-Mont.) the senators wrote, "If \$250 million were to be diverted annually from the LWCF, it would be unlikely to affect

current appropriations from the LWCF, provided they remain consistent with past history. A diversion of \$250 million a year from the LWCF to the (Highway Trust Fund) would deposit an additional \$2.5 billion. . . over 10 years."

The Senate committee bill would directly impact outdoor-related activities by eliminating major stand-alone recreation programs, including transportation enhancements, scenic byways, recreational trails and Safe Routes to School.

The programs would be included in a consolidation of 90 existing programs into 30 broader programs. Recreation would then have to compete within those broad programs for money.

## **Refuge established near Everglades; park is backed**

The Fish and Wildlife Service (FWS) January 18 formally designated a new wildlife refuge in Florida to help protect Everglades National Park. When the refuge is fleshed out through easements and acquisitions it will total 150,000 acres.

The designation of the Everglades Headwaters National Wildlife Refuge and Conservation Area in south central Florida is the latest in a flurry of actions designed to restore the deteriorating Everglades. In other recent developments:

\* On January 5 Florida Gov. Rick Scott (R) made a strong commitment to restore the ecosystem. He proposed a \$40 million appropriation for the upcoming year.

\* On Aug. 11, 2011, Secretary of Agriculture Tom Vilsack said his department will spend \$189 million to restore land near the Everglades by acquiring wetlands. The department intends to use Wetlands Reserve Program money to acquire the 50,000 acres.

\* Finally, an Everglades Coalition Conference January 5-8 drew promises of assistance to the Everglades from

senators, cabinet heads and interest groups.

The major national policy thrust to protect the Everglades is a multi-billion dollar Comprehensive Everglades Restoration Project (CERP). Congress authorized CERP in 2000. 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 by constructing reservoirs and in general replumbing south Florida.

Ancillary to CERP the Everglades Headwaters National Wildlife Refuge and Conservation Area is designed to protect waters flowing into the park from pollutants. It will be made up of 100,000 acres of easements and 50,000 acres of acquired land.

Said FWS Director Dan Ashe, "This effort will restore wetlands in the headwaters area, preserve working ranches, and support a healthy environment for central and south Florida, as well as increase opportunities to hunt, fish, hike, bird watch, and learn about the importance of this landscape."

The Interior Department first proposed the idea in January 2011 and has held several field hearings since. Congress would have to approve the \$700 million needed to acquire land for the refuge.

Scott, a small government conservative, drew the wrath of conservationists a year ago because of budget cuts in conservation programs. But on January 6 at a speech to the Everglades Coalition Conference he was reportedly given an ovation for requesting the \$40 million to restore the ecosystem.

The Department of Agriculture in August announced it would acquire over the next year 24,000 acres in easements from ranchers and farmers. The \$100 million would come from the Wetlands Reserve Program. Last year the department paid \$89 million to acquire development rights in the same area for 26,000 acres.

Finally, the 300 or so activists at the Everglades Coalition Conference heard repeated assurances that the federal government and Florida would attempt to continue efforts to restore the Everglades.

EPA Administrator Lisa Jackson, Council on Environmental Quality Chair Nancy Sutley and Sen. Bill Nelson (D-Fla.) were among the attendees supporting Everglades restoration.

But there are flies in the ointment. While Scott's requested \$40 million for Everglades restoration for this coming fiscal year is \$10 million more than the \$29 million existing appropriation, it is also \$10 million less than a \$50 million appropriation the year before.

Similarly, Congress did not give the Obama administration all the money it wanted in a fiscal 2012 spending bill (PL 112-74 of December 23). Said a House-Senate conference report, "The conferees are aware that the budget request includes new funding for a number of regional restoration initiatives, including the Chesapeake Bay, Gulf Coast, Bay Delta, and the Everglades. Due to funding limitations, the conferees are not able to include new funding for these initiatives . . ."

## **Recreation interests disagree on snowmobiles in forests**

Engine-powered recreationists and human-powered recreationists are about to collide in federal court over a Forest Service policy that exempts snowmobiles from a Travel Management Rule.

The human-powered recreationists struck first by filing a lawsuit Nov. 29, 2011, in federal court in Idaho that would require the Forest Service to establish a rule governing *off-trail* snowmobile use.

The engine-powered recreationists responded January 17 when they joined the lawsuit and defended an exemption in the Travel Management Rule for snowmobiles.

The engine-powered recreationists, led by the BlueRibbon Coalition, said the Idaho suit could hamstring snowmobile use nationwide. "This is an important challenge which could affect Forest Service snowmobile programs and travel planning nationwide" said Joni Mogstad, president of the coalition's board of directors.

Human-powered recreationists responded that the Forest Service was giving snowmobilers preferential treatment, to the detriment of other recreationists and the environment. "There is no logical reason why this (2005 Travel Management Rule) shouldn't be applied year-round and used to designate appropriate areas for snowmobile use while protecting other areas for peach, quiet and natural resource values," said Mark Menlove, executive director of the Winter Wildlands Alliance.

The 2005 Travel Management Rule required "each national forest or ranger district to designate those roads, trails, and areas open to motor vehicles." But the Department of Agriculture said snowmobiles merit special treatment.

Said the rule, "However, the Department believes that cross-country use of snowmobiles presents a different set of management issues and environmental impacts than cross-country use of other types of motor vehicles."

So the service exempted snowmobiles from the rule. And it authorized individual forests to manage snowmobiles on an ad hoc basis. "Therefore, the final rule exempts snowmobiles from the mandatory designation scheme . . ., but retains a manager's ability to allow, restrict, or prohibit snowmobile travel, as appropriate, on a case-by-case basis," said the rule.

The lawsuit filed by Winter Wildlands takes issue with the exemption. It says, "The Forest Service did not justify why the need for regulation of off-road vehicle use does not apply to OSVs when OSVs have impacts to the environment and create conflicts

with other recreationists on National Forest lands, including National Forests in Idaho that have excluded OSV use in their travel management plans.”

The BlueRibbon Coalition defended the 2005 rule and said a reversal of the snowmobile exemption would be devastating. As Kay Lord, a BlueRibbon Coalition board member, told the court, “Plaintiff’s requested relief could potentially affect snowmobile management and impair access throughout the National Forest System. Plaintiff does not appear to request that its relief be limited to application of the 2005 Rule in Idaho.”

Lloyd added, “BlueRibbon’s experience in similar suits, such as litigation involving the 2001 and 2005 Forest Service Roadless Rules, leads us to conclude that Plaintiff, if successful here, will request that any relief, including injunctive relief, apply nationwide.”

## Notes

### **Conservation absent in SOTU.**

President Obama in his State of the Union address January 24 made no mention of conversation. The President did inferentially endorse spending money on infrastructure, which could help spring a stalled surface transportation bill. But the emphasis of the speech was economic opportunity, not protection of resources.

### **Wodder nomination withdrawn.**

The Interior Department announced January 20 that the Obama administration’s nominee to oversee national park and wildlife programs in the Interior Department has withdrawn her name. In the face of fierce Republican opposition, Rebecca Wodder, a former president of the environmental group American Rivers, pulled the plug. Said an Interior Department spokesman, “As a result of the prolonged nomination process, Rebecca Wodder has asked the President that she not be re-nominated.” The department said Rachel Jacobson will act as assistant secretary of Interior for Fish and Wildlife and Parks until a new nominee is chosen. Wodder meanwhile has been asked to stay in the Interior

Department as an advisor to Secretary of Interior Ken Salazar. Sen. James Inhofe (R-Okla.), ranking Republican on the Senate Environment and Public Works Committee, exulted that Wodder had given up. “I am pleased that through our rigorous oversight, we succeeded in preventing Rebecca Wodder, another member of President Obama’s job-destroying ‘green team,’ from assuming an influential position within the administration,” he said. The committee had approved the nomination December 14 but all Republicans voted against her. Wodder was nominated to the position last June to replace Tom Strickland.

### **Washington Monument money okayed.**

Philanthropist David M. Rubenstein last week donated \$7.5 million to repair damage to the Washington Monument caused by an Aug. 23, 2011, earthquake. Congress appropriated another \$7.5 million last month in a fiscal year 2011 Interior money bill (PL 112-74 of December 23). The Park Service said it will award a contract to repair the monument by August and the work will require as much as a year. The service said it didn’t know when the monument would be opened to the public again. Congress was apparently aware of Rubenstein’s plans when it passed the money bill. Says a bill report, “The bill provides a total of \$7,500,000 for the stabilization and repair of the Washington Monument. The conferees understand these funds will be matched on a 1:1 basis by a private citizen.” Rubenstein is a billionaire who was a cofounder of The Carlyle Group of investors.

### **National ocean plan posted.**

The Obama administration formally proposed a national ocean policy January 12 that is designed to coordinate management of the nation’s oceans, coasts, and Great Lakes. But Republican critics contend it constitutes top-down zoning of the nation’s oceans and coasts. The White House says the National Ocean Policy action plan, [www.whitehouse.gov/oceans](http://www.whitehouse.gov/oceans), will require agencies to cooperate and issue permits more quickly and more efficiently. But House Natural Resources Committee Chairman Doc Hastings (R-Wash.) said the plan will interfere with recreation. In an opinion piece

published by the *Energy Guardian*, he said, "Particularly worrisome is the mandatory Coastal and Marine Spatial Planning initiative, otherwise known as ocean and coastal zoning. This initiative could place huge portions of our oceans off limits to all types of recreational and commercial activities as well as restrict on-land activities, resulting in the loss of millions, if not billions, of dollars in economic activity."

**NPCA faults St. Croix bridge.** The National Parks Conservation Association (NPCA) objected vigorously to the Senate passage January 23 of a bill (S 1134) to authorize a bridge over the St. Croix National Scenic Riverway. Said NPCA Senior Vice President of Government Affairs Craig Obey, "A bridge may be needed, but can be had at far less cost to the taxpayers and to the environmental legacy we leave our children." But, said Sen. Amy Klobuchar (D-Minn.), "This bill allows a bridge to be built that has been waiting for 30 years. It is a bridge that exists now and is a beautiful bridge, but it is falling apart. Pieces of the bridge have fallen into the St. Croix River. It is a bridge that is expected to take 18,000 cars a day." The bridge would cost from \$574 million to \$690 million and would carry four lanes of traffic between Wisconsin and Minnesota.

**FS identifies 'Legacy' projects.** The Forest Service said January 19 that it has chosen 17 conservation projects to protect private forests with Forest Legacy grants this year. The projects will share \$52.5 million provided by Congress in a fiscal year 2012 Interior appropriations law (PL 112-74 of December 23). The Forest Legacy Program attempts to slow the loss of private forests to development and other uses. The Service said in the last decade 15 million acres of private forests have been lost and another 22 million acres are on the block. The Forest Service uses a competitive process to select projects.

**L.A. River park emphasized.** Secretary of Interior Ken Salazar visited Los Angeles a fortnight ago to

endorse a mammoth project to convert the Los Angeles River basin to parks and recreation areas. The river presently is a concrete-lined remnant of a Corps of Engineers project. The restoration effort is a joint partnership of the City of Los Angeles, the Corps of Engineers and the Interior Department. The initial focus of a Los Angeles River Revitalization Master Plan is a nine-mile Glendale Narrows reach. Almost 5.7 million people live within 10 miles of a proposed Los Angeles River Trail.

**Texas Gulf National Park sought.** The National Parks Conservation Association (NPCA) and two allied groups recommend in a new report the designation of a segment of the Texas Gulf Coast as a national recreation area. In the report the groups say that the 2008 Hurricane Ike demonstrated how well undeveloped areas survive serious damage while developed areas don't. The Lone Star Coastal National Recreation Area could triple visitation and in ten years support \$192 million in local sales and 5,260 jobs, the groups said. Joining NPCA in writing *Opportunity Knocks: How the proposed Lone Star Coastal National Recreation Area could attract visitors, boost business, and create jobs* were Houston Wilderness and Rice University's SSPEED Center. The groups looked at 1 million acres in the area.

**Gettysburg bill given support.** Legislation (S 1897) to expand Gettysburg National Military Park received a major endorsement January 13 from Sen. Pat Toomey (R-Pa.) "On the 150th anniversary of the Civil War, I am happy to announce my support for the Gettysburg National Military Park Expansion Act," he said. "By expanding Gettysburg National Park, this bill will help preserve our national history and encourage tourism and growth in the area." Without Toomey's support Sen. Robert Casey (D-Pa.) would be hard-pressed to move the legislation in the Senate. The House subcommittee on National Parks held a hearing on a counterpart bill (HR 1335) October 4. The bills would add the Gettysburg Railroad Station to the park and would add a tract south of the battlefield.

## Boxscore of Legislation

### APPROPRIATIONS FISCAL 2012 (INTERIOR, ETC.)

HR 2584 (Simpson). President signed into law December 23. Would roughly maintain most outdoor programs and agency budgets at fiscal 2011 levels.

### APPROPRIATIONS FISCAL 2012 (AGRICULTURE)

HR 2112 (Kingston). President signed into law Nov. 18 as PL 112-55. Reduces Farm Bill conservation spending.

### APPROPRIATIONS FISCAL 2012 (ENERGY AND WATER)

HR 2018 (Frelinghuysen). President signed into law December 23. Does not include rider to block wetlands policy..

### APPROPRIATIONS FISCAL 2012 (TRANSPORTATION)

No bill number. President signed into law Nov. 18 as PL 112-55. Maintains highway spending at about fiscal 2011 levels

### APPROPRIATIONS 2011 CR OMNIBUS

HR 1473 (Rogers). President signed into law April 15 as PL 112-10. Reduces spending across the board compared to fiscal 2010, sometimes substantially. Includes Interior, Energy and Water, Agriculture and Transportation bills.

### LWCF (GUARANTEED FUNDING)

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

### LWCF (FED LANDS ACCESS)

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

### URBAN PARKS

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

### ROADLESS AREAS

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

### NATIONAL MONUMENTS

HR 302 (Foxx), HR 758 (Herger), S 407 (Crapo). House hearing September 13. Foxx would require state approval of any national monument under Antiquities Act. Herger, Crapo would require Hill approval within two years.

### CALIFORNIA DESERT MONUMENT

S 138 (Feinstein). Feinstein introduced January 25. Would designate a Mojave National Monument and protect 1.6 million acres of desert.

### NPS AIR TOUR POLICY

HR 658 (Mica), S 223 (Rockefeller). House approved April 1. Senate approved February 17. Both would revise NPS air tour policy, but bills vary greatly.

### GLACIER PARK PROTECTION

S 233 (Baucus). Baucus introduced January 31. Would withdraw from mining 300,000 acres of adjacent national forest.