

Federal Parks & Recreation

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Volume 28 Number 14, July 16, 2010

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House committee guarantees LWCF funding in energy bill

The House Natural Resources Committee July 15 approved a comprehensive energy bill (HR 3534) that would guarantee full funding for the Land and Water Conservation Fund (LWCF.) The vote was 27-to-21.

The measure would also guarantee full funding for the Historic Preservation Fund at \$150 million per year.

In a mark-up of the legislation July 14 the committee rejected by a 17-to-21 vote a Republican amendment to strike the LWCF and historic preservation guarantees from the bill.

House Natural Resources Committee Chairman Nick Joe Rahall (D-W.Va.), sponsor of the bill, spoke out for LWCF. "This is something that goes back to the 1960s, a commitment, a promise that we made to fund this fund on a bipartisan basis and to use the proceeds from oil and gas drilling to fund the (LWCF)," he said.

Ranking committee Republican Doc Hastings (R-Wash.) did not agree. He had offered the amendment to delete the money for LWCF and historic preservation. "The purpose of this bill is to deal with offshore drilling," he said. "It's very egregious, especially in our budgetary times, to add over \$1 billion of mandatory spending in this bill." That's \$900 million a year for LWCF and \$150 million for historic preservation.

The Obama administration is sympathetic to the measure, even if it has not specifically endorsed HR 3534. At a crucial June 30 hearing Secretary of Interior Ken Salazar gave the LWCF provision a little praise.

Asked by Rahall if full funding for LWCF would help him with his oft-

repeated goal of protecting treasured landscapes, Salazar said, "The answer is yes. . . Our view has been that it is time for America to move forward with a new conservation agenda to meet the challenges of the 21st Century. And as the chairman is well aware, the Land and Water Conservation Fund has not been fully funded since the 1960s. How we move forward with that is something we look forward to with you on that issue."

In the comprehensive energy bill Rahall is attempting to parlay BP's Deepwater Horizon accident in the Gulf of Mexico into support for a broad new public lands energy policy.

How far HR 3534 gets remains to be seen. It now faces a stern test on the House floor. The measure could be packaged by House leaders in other fast-moving Gulf legislation, be swept into climate change legislation, be added to an appropriations bill or move on its own.

LWCF and the Historic Preservation Fund are a sidelight of the draft bill. The brunt of the measure attempts to insure that offshore and onshore oil and gas development doesn't harm the environment and to insure the oil and gas industry pays the freight for operating on public lands.

The existing Land and Water Conservation Fund Act authorizes \$900 million per year for conservation purposes, but appropriators routinely put up much less than the full amount. LWCF is financed by offshore oil and gas royalties and the account now stands at more than \$18 billion.

An initial version of HR 3534 introduced by Rahall last fall would have guaranteed full funding for LWCF, but it would not have guaranteed full funding for historic preservation programs. The new version would provide full funding for both programs.

There are several other initiatives in play in addition to the Rahall bill that could provide full funding for LWCF. Perhaps most promising is climate change legislation. That could happen two ways.

First, Congress might approve a tax on carbon in a comprehensive climate control bill and allocate some of the money to LWCF. The House approved a comprehensive bill (HR 2454) June 26, 2009, that would provide full funding for LWCF, although the money would not be guaranteed and would not be available for several years. The Senate Environment and Public Works Committee approved a counterpart bill (S 1733) Nov. 5, 2009, that would guarantee full funding for LWCF, but again not for several years. Finally, Sens. John Kerry (D-Mass.) and Joe Lieberman (I-Conn.) have drafted a compromise bill that would also guarantee money for LWCF.

Second, if Congress shies away from a carbon tax and passes a less ambitious energy bill, such as one (S 1462) the Senate Energy Committee approved June 17, 2009, that could also be a target for an LWCF amendment. It doesn't hurt that the lead author of S 1462, committee chairman Jeff Bingaman (D-N.M.), is also the lead author of a bill (S 2747) that would guarantee full funding for LWCF.

Outdoors initiative taking America's pulse; poll backs

As President Obama's America's Great Outdoors Initiative kicks into high gear with listening sessions around the country, a new poll indicates Americans overwhelming support the initiative.

The National Parks Conservation Association (NPCA), a major backer of the initiative, says that a poll it commissioned in June showed that 84 percent of registered voters contacted supported the initiative.

The poll, conducted by Hart Research Associates between June 2 and June 5, also indicates that registered voters overwhelmingly believe national parks should be included in the initiative. However, the poll suggests much softer support for local parks.

Meanwhile, the administration continues to fan out to solicit input from interest groups and individuals in

the initiative that President Obama kicked off April 16.

At one session in Los Angeles July 8 some 800 people turned out. Administration Cabinet members including Secretary of Interior Ken Salazar, EPA Administrator Lisa Jackson and Council on Environmental Quality Chair Nancy Sutley sat in. Other sessions were held July 15 in Asheville, N.C., and one was scheduled for today in Denver, Colo. Another is set for July 27 in Philadelphia, Pa.

Perhaps the large number of listening sessions - it may climb to as many as 30 - will temper the suspicion that the exercise is a smokescreen for Salazar's Treasured Landscapes ambitions. The secretary has made no bones about his intentions to protect the best places around the country.

Some Republicans and interest groups such as the BlueRibbon Coalition suggest that the real goal of the exercise is the designation of federal national monuments, particularly on lands managed by the Bureau of Land Management (BLM.)

Said Brian Hawthorne, public lands director for the coalition, "It would be naive to believe an Obama administration wouldn't respond to similar political pressures in the same fashion as the Clinton administration - by spearheading landscape-scale "change" from the White House advancing the preservationist environmental agenda. There is reason to be concerned that the America's Great Outdoors Initiative is little more than a vehicle to push through the wilderness advocates latest 'wish list.'

Hawthorne said the commission should not be looking to prevent Americans from recreating "with proposals that reduce or eliminate Americans' access to the out-of-doors."

But one veteran of the outdoor recreation commission wars, Derrick Crandall, president of the industry-based American Recreation Coalition, doesn't think so. "I don't think it is preordained," he said. "I think there is a legitimate attempt to think about

whether we can deliver traditional goals of conservation in new ways."

Rich Dolesh, public policy director for the National Recreation and Park Association, also said the initiative appears to be open to suggestions. "It seems to be a serious effort," he said. "The levels of participation have been good. I think there have been credible listening sessions."

Dolesh said he hopes the initiative not only focuses on federal lands but also considers the needs of close-to-home recreation. "We have a long-standing agenda," he said, "that is very focused on serving urban populations and areas in need. Communities need help in getting youth outdoors and combating obesity. We increasingly see the importance of parks in livable communities."

President Obama kicked off the America's Great Outdoors initiative at a White House conference April 16 and ordered his cabinet heads to go out into America and report back to him by November 15 on content. He charged the Council on Environmental Quality (CEQ) with assembling a report with proposed strategies.

Crandall wondered if the administration would be able to deliver a cogent report on time in November. "They are being worn to a frazzle," he said. "(The listening sessions) will be useful if ideas are incorporated in final recommendations presented to the President. But when you have volumes and volumes and volumes of materials, it is a challenge."

An Interior Department official who is working on the initiative told us the administration is "on track" to complete the report on time. The official said federal agencies were genuinely "cooperating" with each other.

Crandall, who served as a member of President Reagan's President's Commission on Americans Outdoors in the 1980s, said new ideas did bubble to the surface during that commission's outreach. "A perfect example was raised by the highway guys," he said. "They said the country needed a new system of park-

ways. Lamar and others figured out what could be done and that's where National Scenic Byways came from." Lamar is Sen. Lamar Alexander (R-Tenn.), who chaired the commission when he was governor of Tennessee.

The NPCA poll used a two-step approach to gauge public opinion of the President's outdoor initiative. It first asked 803 voters contacted to assess the importance of five goals of the initiative, such as using good science to protect lands and waters. It then asked the voters if, based on those five goals, they supported the initiative. That elicited the predictable result, 84 percent in favor and only eight percent opposed.

The poll contains a bit of troubling news for local parks. When registered voters were asked what kinds of areas should be given priority in the initiative, they said water bodies first (47 percent) and national parks second (43 percent.) But only 23 percent of the voters polled gave priority to neighborhood parks in urban areas.

The administration under CEQ will have its hands full trying to come up with a conservation consensus after the listening sessions. Citizens have focused on everything from a demand for guns to broad conservation agendas.

Instead of beginning the initiative with a set of concrete proposals the administration said it would listen to interest groups and the American people first. If and when the initiative is fleshed out, insiders believe it could include full funding for the Land and Water Conservation Fund, revitalization of the National Park System, the designation of a number of national monuments on BLM land, and/or an omnibus public lands and parks bill (as is in the works now in Congress.)

'Open Fields' grants given Vilsack's personal attention

Secretary of Agriculture Tom Vilsack went out of his way July 8 to tout the availability of \$50 million in grants for an "Open Fields" program to

encourage private landowners to welcome outdoor recreationists.

Painting himself as a major supporter of outdoor recreation, Vilsack began a press conference in a roundabout way. He first singled out a new report that says national forest recreation is a prodigious economic generator. (See *separate article page 7.*)

Vilsack then said those economic benefits can be translated onto private lands with the Open Fields program. "The folks who are going to be having these hunting experiences are going to be coming from cities and suburbs," he said. "They are going to be stopping at the local supply store to buy shotgun shells, or to buy gas, or to spend a night in a hotel, or buy a couple of meals or some groceries. All of this stimulates the rural economy and helps support job growth. This is the kind of program that is so essential to bringing vitality back into rural communities."

Vilsack said the \$50 million in grants from the 2008 Farm Bill will go to states and Indian tribes to oversee programs. "The aim of the program is to encourage owners and operation of private ranch and forest lands to voluntarily make their lands available for wildlife recreation, including fishing, hunting and bird-watching," he said.

The states and tribes can use the money for programs that provide landowners with financial incentives to open their lands, such as rental payments. The money can also be used for informational programs and other activities related to opening up private land.

Some 26 states already have programs, but, said Vilsack, they are of "limited scope and budget. Most are less than \$1 million per year." The program is formally titled the Voluntary Public Access and Habitat Incentive Program, but recreationists and conservationists informally call it Open Fields.

At the press conference Whit Fosburgh, president of the Theodore Roosevelt Conservation Partnership,

described a gradual loss of private land for outdoor recreation. "Seventy-seven percent of the nation's hunting is done on private lands," he said. "Across the nation hunters are seeing land posted or disappearing either because of expanding subdivisions or because private landowners simply decide to keep hunters away, driven by liability concerns."

Fosburgh also praised labor unions for their support of Open Fields. "America's union sportsmen, led by AFL-CIO President Richard Trumka, endorsed the Open Fields hunter-access program," Fosburgh said. "Many national unions affiliated with the AFL-CIO joined together to push for Open Fields, as did scores of rank-and-file union members from across the country."

Labor unions have not always been vocal supporters of conservation projects because of conflicts with job opportunities. At the same time hunters among the union members have become concerned about a loss of hunting grounds, so the unions have established a full-time conservation organization called the Union Sportsmen's Alliance. They also have a website, www.unionsportsmen.org.

The Voluntary Public Access and Habitat Incentive/Open Fields program was established by Congress in a 2008 Farm Bill that was enacted May 23, 2008, as PL 110-234. Sen. Kent Conrad (D-N.D.) claims parenthood.

"This program is a win-win situation for everyone," said Conrad last week. "The farmers and ranchers who voluntarily enroll their land get an incentive payment. Hunters, fishermen and birders find more land available to enjoy the outdoors, and our rural communities get a tremendous economic shot in the arm."

Asked at the press conference if the program applied to uses other than hunting and fishing, Vilsack said, "It's not necessarily restricted to just hunting and fishing opportunities but for all recreation opportunities."

At the press conference Farm Ser-

vice Agency Administrator Jonathan Coppess said states and tribes can apply for grants from the program at the federal portal, www.grants.gov. He said that applications will be accepted through August 23 and decisions on awarding the grants will be made within 45 days and awarded in September.

Ever mindful of the next farm bill (in 2012) Vilsack said, "I look forward to lots of grants being issued to make the case to Congress when it writes a 2012 Farm Bill." The Senate Agriculture Committee under Chairman Blanche Lincoln (D-Ark.) held its first hearing on a 2012 bill July 2. At that time Lincoln said she would base a new bill on the 2008 Farm Bill.

In the press conference Vilsack emphasized repeatedly the economic importance of recreation in the national forests. He mentioned the \$14.5 billion in economic activity generated by recreation visitors each year. And he said that nationally outdoor recreation is a \$730 billion per year business.

Some money bills begin to roll, but not Interior

The office of Rep. Jim Moran (D-Va.) does not have a time certain yet for mark-up of a fiscal year 2011 appropriations bill for the Interior Department and related agencies. Moran chairs the relevant subcommittee.

Still, an aide to Moran said, "We're hoping (the mark-up) will be this month."

In a related development the Senate Appropriations Committee July 15 was scheduled to adopt spending ceilings for individual subcommittees.

At press time the House Appropriations Committee had not assigned a spending ceiling for the Interior subcommittee, normally a necessary precondition for marking up a bill.

Several House appropriations subcommittees with outdoor policy responsibilities have marked up bills, such as

Agriculture and Transportation. The subcommittee on Energy and Water was due to mark up late yesterday, July 15. Those subcommittees are approving essentially the same total amounts of money as the year before.

As we have been reporting, the appropriations situation this year is, at best, muddled. First, instead of a guiding Congressional budget the House simply approved one big number (\$1.12 billion) for discretionary spending in fiscal 2011. That budget was included in an emergency appropriations bill (HR 4899) June 30 and cleared the way for subcommittee mark-ups.

The second factor muddling appropriations is the great number of controversies facing the Interior subcommittee this year, including offshore oil and gas drilling, border security and the Gulf clean-up.

In the Senate Moran's counterpart, Sen. Dianne Feinstein (D-Calif.), said last month that Senate Democratic leaders have given her the go-ahead to write a fiscal year 2011 spending bill. On July 15 committee chairman Daniel Inouye (D-Hawaii) had planned to announce subcommittee ceilings, so-called 302(b) allocations.

The betting until now has been that the full Senate would not approve appropriations bills before the November 2 elections because of all the controversies facing the measures. Those odds still look pretty good.

Meanwhile, for fiscal 2011 the Senate Budget Committee April 26 did approve a budget (S Con Res 60) that recommends an increase in natural resources spending above the budget request of President Obama.

The Senate Budget Committee adopted a "mark" prepared by chairman Kent Conrad (D-N.D.) that would increase spending for a Natural Resources line item by \$940 million, from \$38.7 billion this year to \$39.6 billion in fiscal 2011. That line item includes EPA and a host of other agencies not directly related to park and rec programs.

But Senate Democratic leaders did not bring the budget to the floor because they did not have the votes to pass it. So, like the House, the Senate leaders simply intend to assign spending ceilings with little or no budget analysis to support them.

Two surface transportation spending proposals moving

Despite promises to reduce federal spending, the House and Senate are increasing in at least two ways surface transportation spending, albeit to the benefit of outdoor programs.

Still, both allocations fall well short of the anticipated spending that would be provided by a \$500 billion, six-year surface transportation bill that supporters of park and recreation projects support. A draft bill was approved by the House subcommittee on Surface Transportation on June 24, 2009.

In Exhibit One of new money the House July 1 approved legislation (HR 4899) that would ensure that recreation programs receive their fair share of economic stimulus money from last year. The House previously approved the provision as part of a next tax bill (HR 4213), but it is stalled in the Senate. So the House added it to the must-pass HR 4899 that includes money for the Afghanistan War.

In Exhibit Two of new money the House subcommittee on Transportation Appropriations July 1 approved a fiscal year 2011 money bills that includes a big \$4 billion more for highway programs than does a fiscal 2010 appropriations law.

In that the fiscal 2011 Transportation appropriations bill faces an uncertain future in Congress - it almost certainly won't be enacted until late November earliest because of political conflicts - the emergency appropriations money will probably come down the pike first.

In the emergency money provision House and Senate leaders have agreed

informally on a deal that would (1) make sure that recreation programs share in some \$900 million of new money and (2) make sure that each state receives a proportionate share of the money.

The legislation is needed because Congress late last year amended a giant 2009 economic stimulus law (PL 111-5 of Feb. 17, 2009) and penalized some programs and some states. Among the penalized programs were Recreational Trails, Safe Routes to School and Metropolitan Planning.

HR 4899 is now before the Senate and the Senate is expected to accept the highway language without change. "That particular provision has been worked out between the House and the Senate," Jim Berard, spokesman for House Transportation Committee Chairman James Oberstar (D-Minn.), told us.

In the regular fiscal 2011 appropriations bill the House subcommittee approved \$4.1 billion more for federal aid highways than a fiscal 2010 law appropriated. The subcommittee approved \$45.2 billion, compared to a fiscal 2010 appropriation of \$41.4 billion.

(The subcommittee managed to meet demands of House leaders for nearly flat total spending for the bill by reducing allocations for other programs, such as housing.)

Even though the House Surface Transportation subcommittee approved the draft, multi-year highway bill, the odds against Congress completing it this year, or in the next three years, are not good. But Congressional staff and lobbyists say there is considerable interest in approving a structure for a multi-year law, with the numbers to be filled in over the next three years.

Oberstar's Senate counterpart, Senate Environment and Public Works Committee Chairman Barbara Boxer (D-Calif.), is also talking about completion of a multi-year bill this year, even without money.

Congress on March 18 extended the existing surface transportation law -

the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) - until December 31 (PL 111-147.)

Meanwhile, House Transportation Committee Ray LaHood continues to host listing sessions around the country to take recommendations on a new multi-year law. He held the most recent Surface Transportation Reauthorization Outreach July 14 at his headquarters in Washington, D.C.

At each of those sessions LaHood has said there is only one thing holding up a new transportation bill - the source of the \$140 billion or so needed to pay the freight. The rest of the \$500 billion is already available from gasoline taxes.

While Congress waits for a replacement for SAFETEA-LU, it has also been providing some additional money to surface transportation programs in the big economic stimulus law. Among other things Congress last year put up almost \$1 billion for Projects of National and Regional Significance and National Corridor Infrastructure Improvements.

But in enacting those programs Congress cut only six of 13 state highway formula programs in on the money. And it earmarked the money for a half-dozen states (principally New York and California), leaving other states with little help.

So in the new emergency appropriations bill, HR 4899, Senate and House leaders attempted to redress the imbalance by including all transportation programs and all states. The earmarked states would still get their money, but HR 4899 would put up extra money for the left-out programs and states. The Senate has not yet scheduled floor action for the bill.

FS report on economic benefits of rec follows Bush

The Obama administration is apparently not going to revive the old debate over which programs provide the most

economic benefits from public lands to American society - outdoor recreation or commodity uses.

The administration released a new report July 7 that says Forest Service recreation generates about \$13 billion per year in expenditures in communities within 50 miles of national forests. That approximates a Bush administration estimate that in fiscal year 2002 recreation uses on the national forests stimulated \$11.166 billion in gross domestic product.

Both the \$13 billion Obama administration estimate and the \$11.2 billion Bush administration estimate fall far short of the \$111 billion projected by the Clinton administration in 1997. The Clinton projection launched a decade-long debate about which national forest uses Congress should favor.

Although the new Forest Service report follows the Bush administration lead, and not the Clinton lead, Secretary of Agriculture Tom Vilsack July 8 vigorously promoted the economic benefits of outdoor recreation in the national forests. He spoke at a press conference to announce new grants for access to private land from an "Open Fields" program. (*See related article page 4.*)

Said Vilsack, "The report revealed that visitors spend \$13 billion directly in those communities within 50 miles of national forests or grasslands. Those dollars in turn in rural communities generate another \$14.5 billion in economic activity sustaining over 223,000 jobs."

Whether or not Vilsack's enthusiasm translates into increased appropriations for outdoor recreation programs remains to be seen. In a fiscal 2011 budget request for FS recreation the Obama administration requested an increase of \$8 million, from \$285.1 million in fiscal 2010 to \$293.2 million. But for Forest Service trails it requested a decrease of \$2.3 million, from \$85.4 million in fiscal 2010 to \$83.1 million.

The new Forest Service report is produced by the agency's National Visitor Use Monitoring (NVUM) program. The service says the NVUM "provides science-based estimates" of recreation visitation and its benefits to the public. It is available at www.fs.fed.us/recreation/programs/nvum.

According to the service, "More than 57 percent of visits to National Forest System lands are done primarily for physical activity, such as hiking, biking, and skiing."

And the service said it has a healthy visitor satisfaction rating. "Visitor satisfaction is very high, with an overall satisfaction rate of 94 percent," said the service.

When the Clinton administration in 1997 projected that national forest recreation would contribute \$110 billion per year to the nation's gross domestic product by fiscal 2000, it signified a fundamental change in forest policy emphasis from commodity resource use to natural resource protection.

But the Bush administration in 2005 sharply disagreed with the Clinton analysis and said it had come up with new, more accurate assumptions about the contribution of national forest recreation to the economy.

For one thing the Clinton administration projected more than 800 million user days of recreation per year; the Bush administration anticipated just over 200 million. (The latest report identified 173 million visitors in 2009.)

For another thing the Forest Service now excludes from the estimate all durable recreation goods and expenditures made more than 50 miles from a forest.

Back in 2005 we quoted then Under Secretary of Agriculture Mark Rey on Clinton Under Secretary Jim Lyon, "My predecessor (Jim Lyon) used recreation numbers to justify recreation budget increases over other uses. We won't do that."

Now Secretary of Agriculture Vilsack himself is getting out front. He said July 8, "This report is consistent with other reports on recreational activities that suggest outdoor recreation in total generates close to \$730 billion per year. Hunting and fishing alone are worth nearly \$200 billion. In addition to the economic benefits, outdoor recreation provides health and conservation implications as well."

He said the administration welcomes all users to the national forests. "In the Forest Service report that was released yesterday of national forests and grasslands 173 million people visit and 300 million folks drive through or by the national forests in a year," he said.

"There's 473 million in economic opportunities. Some will be hunters. Some will be horseback riders. Some will be hikers. Some will be anglers. Some will be birdwatchers. Some will be mountain bikers. Some will be canoers." But, he said, all will spend money.

House, Senate may be close to deal on overflights policy

The House and Senate are reportedly near a final agreement on legislation that could revise substantially national parks air tour policy.

A House and Senate conference committee is expected to meet later this month to wrap up legislation (HR 1586) that, at its bottom line, would reauthorize the Federal Aviation Administration (FAA.)

The Senate-passed version of the legislation would revise air tour policy, as recommended by advocates of the national parks, by such things as clarifying the responsibilities of FAA and NPS.

Senate Transportation Committee Chairman James Oberstar (D-Minn.) said recently, "We are very close to resolving all differences with the Senate on the long-term FAA bill." Congress July 1 passed temporary legislation (HR 5611)

that keeps FAA in business through August 1. By then Congress intends to wrap up the reauthorization bill.

At press time the conferees were not indicating which final Park Service overflight provision they have chosen. "There is no official conference, so everything that has taken place so far is unofficial," said a spokesman for Oberstar.

Because the conference committee is not an official House-Senate conference, said the staff member, no conclusive conference report will be written. How the Senate and House proceed once the negotiations are done has not been decided.

The Senate provision, written largely by Sen. Ron Wyden (D-Ore.), addresses the old problem of the division of labor between FAA and NPS. According to some NPS officials and interest groups, disagreements between the two agencies have contributed to the inability of the agencies to complete any air tour plans in the last decade. The National Parks Air Tour Management Act of 2000 (PL 106-181 April 5, 2000) directed FAA and NPS to write the plans.

The provision in the FAA reauthorization legislation essentially says FAA is responsible for controlling airspace over the country and the Park Service is responsible for protecting the parks, 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 an application for air tours over the park even though an air tour management plan has not been written yet.

The Senate also included in its

bill an amendment that would assess fees on air tour operators large enough to pay for air tour management plans.

The amendment was sponsored by Sen. Tom Coburn (R-Okla.), frequently a critic of initiatives to expand the National Park Service. His amendment simply gives the Interior Department authority to assess a fee, with the amount to be "determined."

A major potential disagreement in the Senate was avoided when Sen. John McCain (R-Ariz.) withdrew an amendment that would have barred any reduction in the number of air tours over Grand Canyon National Park. He backed off after Sen. Jeff Bingaman (D-N.M.) objected.

McCain's Grand Canyon amendment would also have set a new standard for allowable air tour noise in the park. The rider would have defined natural quiet in the park as when 50 percent of it is quiet 75 percent of the time. In other words the other half of the park would not have to be free from air tour noise.

McCain was the lead sponsor but Senate Majority Leader Harry Reid (D-Nev.), Sen. Jon Kyl (R-Ariz.) and Sen. John Ensign (R-Nev.) were cosponsors.

FAA and NPS are in the process of writing an EIS that would back a management plan to insure natural quiet in the park, as required by the National Parks Overflights Act of 1987.

In addition to the Grand Canyon, the FAA and the Park Service have been trying a different approach at cooperation in the parks. They are trying a new strategy for writing a plan for Death Valley National Park. Instead of using procedures laid out in the 2001 Act the agencies are testing an Aviation Rulemaking Committee (ARC) process.

FAA has used the ARC process a number of times over the years to write various rules, but not for air tour operations. The agencies requested public advice on the new approach January 19 in the *Federal Register*. The ARC process approximates a negotiated

rulemaking, rather than an agency rule that is commented on and then revised. The agencies will prepare an environmental assessment.

Outside the Death Valley proposal, FAA and the Park Service still have not resolved their impasse over comprehensive air tour regulations that are supposed to guide the preparation of individual park plans. To oversimplify NPS has traditionally been more concerned about maintaining quiet in parks than FAA and FAA has been more concerned about aviation safety.

New EPA power plant proposal could help reduce parks haze

EPA proposed a major new clean air rule last month that, as a side effect, could improve visibility over national parks and wilderness areas in the eastern United States.

The rule would require 31 states in the central and eastern United States to impose new limits on sulfur dioxide (SO₂) and nitrogen oxide (NO_x). The reduction in SO₂ and NO_x would supposedly improve visibility over such areas as Great Smoky Mountains National Park and Acadia National Park.

Sen. Lamar Alexander (R-Tenn.), a frequent critic of the Obama administrator but an old protector of Great Smoky, was ambivalent about the EPA proposal. "These clean air rules are a good first step, but they are too regional, too complicated and too weak to be a permanent solution for public health and for the certainty and flexibility that utilities need to keep electric rates down," he said.

Instead, he recommended that Congress pass a bill (S 2995) that he co-sponsored that would cut NO_x and SO₂ emissions nationally even more severely than EPA would. Alexander and Sen. Tom Carper (D-Del.) introduced their bill February 4.

But neither the EPA rule nor the Alexander/Carper bill addresses the core

Clean Air Act haze regulation that is supposed to improve visibility over Class I national parks and federal wilderness areas.

Sixteen conservation groups wrote EPA May 20 and asked it to either force the states to establish regional haze plans under the rule or step in for the states and establish plans that would protect Class I areas.

The conservation groups, including the National Parks Conservation Association and the Sierra Club, said they believe that 25 states have yet to submit haze plans. And, they said, some state plans that have been submitted are virtually worthless.

The 1977 amendments to the Clean Air Act established the elaborate procedure for the states and EPA to reduce haze over 156 Class I national parks and wilderness areas of more than 5,000 acres. And to prevent increases in haze.

Although the 1977 amendments directed EPA and the states to write plans to clean up haze, little has been done. After decades of lawsuits from environmentalists, including NPCA, EPA on January 15, 2009, told the states they must submit proposed State Implementation Plans (SIPs) by January 2010 in order to promulgate final plans by a deadline of January 15, 2011. If states don't prepare SIPs, then EPA will issue federal plans.

Thus far only about half the states are believed to have submitted plans. The plans are supposed to compel coal-fired power plants and other industrial polluters to adopt best available retrofit technology. Of the plans submitted, say the environmentalists, many are worthless in they anticipate severe haze over parks for another century or more.

The proposed EPA rule on SO₂ and NO_x would help some, but would not address the full haze issue in all states. The measure would require 31 states and the District of Columbia to improve air quality by reducing pollutants from

power plants, usually coal-powered.

EPA says the proposed rule would by 2014 prevent 14,000 to 36,000 premature deaths and provide benefits of \$120 billion to \$290 billion annually. EPA says it would cost the energy industry \$2.8 billion to implement the rule.

The proposed rule had not been formally published in the *Federal Register* at press time, but a copy of the proposal and back-up information are available at <http://www.epa.gov/airtransport>.

Notes

NPS publishes National Mall EIS.

The Park Service gave notice in the *Federal Register* July 13 that it has completed an EIS to guide restoration of the National Mall in Washington, D.C. The preferred alternative describes an ambitious plan to not only address \$400 million in deferred maintenance but also to provide numerous upgraded recreation facilities. They include bicycle lanes, softball fields and soccer fields. The EIS estimates the cost of implementing the preferred alternative at between \$606 million and \$648 million. However, that does not include some economic stimulus projects that are already under way. Compared to a no action alternative the preferred alternative would cost from \$198 million to \$204 million. The EIS is available at www.nps.gov/nationalmallplan.

Yosemite Valley begins plan anew.

Yosemite National Park gave public notice July 7 that it will develop a new Yosemite Valley Plan and EIS in the next few years. The existing valley plan that was published in 2000 and a related Merced Wild and Scenic River Comprehensive Management Plan that was published in 2005 have been caught up in litigation for the last five years. The Friends of the Yosemite Valley, an alliance of environmental groups, sued both plans. On Sept. 22, 2009, the plaintiffs and the Park Service agreed to prepare a new Yosemite Valley Plan. In that the Merced River plan and the greater Yosemite Valley Plan were/are

tiered to each other, the park has to revise them both. In March 2008 the U.S. Circuit Court of Appeals held that the Merced River plan failed to adequately identify an acceptable visitation level and to assess the impact of that visitation. Last fall Yosemite agreed to prepare a new plan, EIS and record of decision. The July 9 *Federal Register* notice begins the process. The park is not yet ready to evaluate specific alternatives in an EIS, said a park spokeswoman. It is still evaluating comments it received on the agreement. The agreement is available at: <http://www.nps.gov/yose/parkmgmt/upload/mrpsettlementagreement.pdf>.

Great Waters bills move in Senate.

The Senate Environment and Public Works Committee (EPW) last month gave a running start to a campaign to protect the major water bodies of the nation. The committee sent to the Senate floor nine bills, including measures that would protect such waters as the Chesapeake Bay, the San Francisco Bay, the Great Lakes, Puget Sound, Long Island Sound, the Columbia River and the Gulf of Mexico. The bills were passed by voice vote. More than 30 conservation groups teamed up in December to begin a concerted push to protect the largest water bodies in the nation. The new America's Great Waters Coalition is looking to climate change legislation, among other places, for help. The coalition was formed to bring the groups' combined firepower to bear in support of individual areas. Among the nine bills the EPW committee approved are measures to establish a grant program to restore the San Francisco Bay (S 3539), to restore the Gulf of Mexico (S 1311) and to protect the Great Lakes (S 3073.)

Reid talks of 'energy' bill. Senate Majority Leader Harry Reid (D-Nev.) said July 13 that he will bring comprehensive energy legislation to the Senate floor in the next fortnight. However, Reid didn't say if the legislation would include the guts of big climate change bills. There is a dizzying array of climate/energy options available to the House and Senate, all with major implications for park and rec programs. Here's where they stand: The House ap-

proved an ambitious cap-and-trade climate bill (HR 2425) on June 26, 2009. The Senate Environment and Public Works Committee (EPW) approved a similar climate change bill (S 1733) on Nov. 5, 2009. Those bills have not advanced in the Senate because of opposition from Republicans and centrist Democrats. So Sens. John Kerry (D-Mass.) and Joseph Lieberman (I-Conn.) have written a less ambitious draft bill that is pending before the EPW committee; that measure includes conservation provisions similar to those in S 1733 and HR 2425. As an alternative centrist Democrats and others have urged the Senate to consider a less politically-contentious climate bill, i.e. a year-old, Senate Energy Committee bill (S 1462) that primarily addresses renewable energy. The bottom-line expectation of most observers is that Congress will not complete legislation until after the November 2 elections.

FS planning framework out. It doesn't delve into the substance of an upcoming planning rule, but the Forest Service did July 9 take an important step in writing a new rule by posting an outline of its approach to planning. The three-part framework would begin proceedings with an assessment of onground conditions. It would be followed by a revision/amendment phase where a proposed action would be prepared based on the first-phase assessment. The final monitoring phase is self-explanatory. More information on the five-page framework is available at http://fs.usda.gov/planning_rule. The Obama administration announced Dec. 18, 2009, it would write a new rule to guide planning at the forest level. If all goes well, the service anticipates publishing a draft rule in December and a final rule by November 2011. As required by the National Forest Management Act of 1976 (NFMA) the Forest Service has since 1976 prepared 127 forest plans to guide land uses in 155 national forests and 20 grasslands (some plans cover more than one forest and/or grassland.) Under NFMA forest plans are to be revised every 15 years. The agency said 68 of the existing plans are overdue for revision because they should have been rewritten between 1998 and 2008. The

Bush administration twice issued planning guidance rules and twice federal courts threw them out for failure to perform an adequate environmental assessment.

NRPA gets health grant. The Department of Health and Human Services (HHS) July 7 awarded the National Recreation and Park Association (NRPA) a \$1.1 million grant to help prevent illness. Under the grant NRPA will promote policies that will emphasize physical activity as a means to improve health. NRPA and other conservation groups have long sought to persuade HHS that outdoor recreation is an important contributor to the health and well-being of America's youth. The grant awarded yesterday comes from an HHS initiative called Communities Putting Prevention to Work. The money is provided by the economic stimulus law called the American Recovery and Reinvestment Act (PL 111-5 of Feb. 17, 2009.) The NRPA grant was one of ten HHS awarded to nonprofit groups competitively.

FWS evaluating duck season EIS. The Fish and Wildlife Service (FWS) July 9 published a draft EIS that assesses possible changes in its procedures for posting annual duck hunting seasons. Among other things the draft EIS evaluates alternatives for posting duck hunting packages that set out seasons and bag limits. It also proposes alternatives for scheduling regulations each year and for issuing special regulations for additional harvests. Comment by March 26, 2001 to: *Pacific Flyway Representative, Division of Migratory Bird Management, U.S. Fish and Wildlife Service, 911 NE. 11th Ave., Portland, OR 97232.* E-mail: huntingeis@fws.gov. Fax: 503-231-6162.

Lehrentz to head NPS Pacific West. NPS Director Jonathan Jarvis has chosen Christine S. Lehnertz to take his old job as the service's Pacific West regional director. Lehnertz has served as NPS's acting associate director for cultural resources since April 2. She is to report to the Pacific West's headquarters in Oakland, Calif., in mid-August. The Pacific West office oversees 3,000 employees and 58 national

parks visited by more than 56 million people each year. Jarvis held the Pacific West position before becoming NPS director on Sept. 24, 2009.

Battlefield grants awarded. The Park Service announced July 9 it will award \$1.2 million in annual battlefield protection grants to enhance more than 100 sites around the country. The grants will be awarded to projects in 17 states and territories for battlefields from the Revolutionary War, War of 1812, Mexican-American War, Civil War, World War II, and Indian Wars. Among the grants is one for an underwater archaeology project off North Carolina stemming from World War II. More information is available at <http://www.nps.gov/history/hps/abpp>.

Arizona uranium withdrawal opposed. Thirty House members July 1 introduced legislation (HR 5665) that would block an Obama administration's withdrawal from uranium mining of 1 million acres near Grand Canyon National Park. Said lead bill sponsor Trent Franks (R-Ariz.), "By prohibiting exploitation of northern Arizona reserves, the Obama Administration strategically weakens America's long-term national security and our ability to be energy self-sufficient. It also seriously calls into question President Obama's supposed commitment to increase our domestic nuclear energy production in order to protect America's national security." On July 21, 2009, the Bureau of Land Management (BLM) issued a segregation notice that effectively banned new mining on the million acres. At the same time BLM proposed a 20-year withdrawal from new uranium claims of 633,547 acres of BLM-managed land and 360,002 acres of Kaibab National Forest in Arizona. Rep. Raúl M. Grijalva (D-Ariz.), chairman of the House subcommittee on National Parks, Forest and Public Lands, has introduced legislation (HR 644) that would permanently withdraw the million acres of public lands adjacent to the park. But Arizona Sens. John McCain (R) and Jon Kyl (R) and former Sen. Dennis DeConcini (D) oppose the proposed withdrawal. Now Rep. Franks has introduced legislation to bar the withdrawal.

Boxscore of Legislation

<u>LEGISLATION</u>	<u>STATUS</u>	<u>COMMENT</u>
Appropriations 2011 No bill yet	President submitted budget request Feb. 1.	Would increase LWCF significantly but provide flat budgets, at best, elsewhere.
Appropriations fiscal 2011 (Interior) No bill yet.	President submitted budget request Feb. 1.	Controversies over Gulf drilling could delay consideration.
Appropriations fiscal 2011 (Energy and water) No bill number yet	House subcommittee scheduled to consider July 15.	No numbers available yet.
Appropriations fiscal 2011 (Agriculture) No bill number yet	House subcommittee approved June 30.	Would roughly maintain the status quo.
Appropriations fiscal 2011 (Transportation) No bill number yet	House subcommittee approved July 1.	Would boost surface transportation by \$4 billion.
Appropriations Stimulus HR 1 (Obey)	President Obama signed into law Feb. 17, 2009, as PL 111-5.	Allocates some \$4 billion to federal land management agencies to help revive the economy.
LWCF revival HR 3534 (Rahall) S 2747 (Bingaman)	House committee approved July 14. Bingaman put in Nov. 6, 2009.	Both would guarantee full funding of \$900M per year.
UPAR revival HR 3734 (Sires)	Sires introduced Oct. 6, 2009.	Would establish \$445 million urban park grant program in HUD.
Omnibus Lands Bill S 22 (Bingaman) HR 146 (Holt)	President signed into law March 30, 2009, as PL 111-11.	Includes 160+ individual bills, including NLCS, new national parks.
National Landscape Conservation System HR 404 (Grijalva) S 22 (previous item)	Included in omnibus law (previous item.)	Gives NLCS official designation by Congress.
California Desert protection S 2921 (Feinstein)	Senate committee hearing May 20.	Would establish monument to protect 1 million acres of BLM-managed desert.
Grand Canyon withdrawal HR 644 (Grijalva)	House subcommittee hearing July 21, 2009.	Would withdraw 1 million acres of federal land near Grand Canyon NP to prevent uranium mining.
Surface Transportation HR 1329 (Blumenauer) S 575 (Carper) S 1036 (Rockefeller) Unnumbered (Oberstar)	Blumenauer put in March 5, 2009. Carper put in March 11, 2009. Rockefeller put in May 12, 2009. House subcommittee approved Oberstar bill June 24, 2009.	Blumenauer would establish a piece of a surface transportation law with climate change money. Rockefeller would establish broad goals for law. Oberstar would extend outdoor programs for six years.
FLREA (rec fee law) repeal S 868 (Baucus)	Baucus introduced April 22, 2009.	Would repeal the comprehensive federal rec fee law.
Fire suppression HR 1404 (Rahall) S 561 (Bingaman)	Included in Interior money bill above.	Establishes an emergency fire-fighting fund to limit agency borrowing.
Ski area uses S 607 (M. Udall)	Udall introduced March 17, 2009.	Would specify that ski resorts on national forest land may allow non-skiing recreation uses.