

Federal Parks & Recreation

Editor: James B. Coffin

Subscription Services: Gerrie Castaldo

Volume 30 Number 12, June 22, 2012

In this issue. . .

House panel cuts park and rec.

DoI and Related Agencies money subcommittee approves FY '13 bill with major decreases... Page 1

House okays border, parks bills.

Parks advocates blast bill to guarantee Border Patrol access, reverse Hatteras ORV plan... Page 2

Senators drop Farm Bill riders.

Cabin fees, wetland amendments are out. Open Fields in.... Page 4

House, Senate stuck on road bill.

Reid and Boehner order up talks. Rec gets some attention..... Page 6

Wildlife/hunting riders barred.

From Farm Bill. Amendments out backing fed lands hunting... Page 8

Rec industry wants to help FS.

Would modernize campgrounds, marinas. Some criticism.... Page 9

Blueways standards yet to come.

Even though Salazar designated a unit. Nominations plan... Page 11

Get Out West! continues apace.

Even though Gregoire no longer heads WGA. Big economics... Page 12

Calif. Desert ROWs are settled.

Mojave agreement reached on 12. Court denies Inyo request... Page 12

Manhattan Project heads for NPS?

Hastings, Bingaman appear to be in synch on historic site... Page 13

Notes..... Page 14

Boxscore of Legislation..... Page 16

House DoI subcommittee money bill takes ax to outdoors

The House subcommittee on Interior appropriations June 20 gave the public a good idea what the tough new House Republican budget will mean for outdoor programs.

In passing a fiscal year 2013 Interior and Related Agencies bill the subcommittee would reduce LWCF spending by 80 percent (an appropriation of \$66 million), would cut Park Service spending by five percent (by \$134 million) and the Fish and Wildlife Service by a big 21 percent (by \$317 million).

In addition the bill includes riders that would bar designation of wildlands by the Obama administration, would block implementation of a National Oceans Policy, would block implementation of a proposed administration wetlands policy and would declare public lands open to hunting unless specifically closed.

Subcommittee chairman Mike Simpson (R-Idaho) defended the legislation. "We've made some difficult decisions in this bill - decisions that will help reduce our budget deficit while funding many important agencies and programs at sustainable and appropriate levels."

The subcommittee rejected at least two administration proposals to provide added revenues to reduce the deficit - higher fees for the oil and gas industry and the livestock industry for operating on public lands.

Ranking House Appropriations Committee Democrat Norman Dicks (D-Wash.) criticized the majority. "Because this bill received an allocation based on the Ryan budget, the Chairman has once again been forced to

make drastic cuts to important agencies and programs. The bill overall is 4 percent below last year and 6 percent below the President's request."

Ryan is House Budget Committee Chairman Paul Ryan (R-Wis.) His committee's budget (H Con Res 112), accepted by the full House March 29, caps all domestic spending at \$1.028 billion. That is \$19 billion less than the \$1.047 trillion the House agreed to Aug. 2, 2011, in a grand budget agreement with the Obama administration (PL 112-25).

Appropriators translated that into a Simpson subcommittee-spending cap of \$28 billion. The fiscal 2012 number for the subcommittee bill was \$29.2 billion and the Senate Appropriations Committee has assigned a fiscal 2013 ceiling of \$29.662 billion.

So the Senate and House will be locking horns over the \$1.662 billion differential over the course of the summer and fall.

SPENDING: Here are a few of the numbers in the House subcommittee bill:

* *LWCF ACQUISITION:* For federal acquisition the request is \$51,578,000 compared to a fiscal 2012 appropriation of \$186.7 million. For state grants the subcommittee would provide \$2,794,000, compared to a fiscal 2012 appropriation of \$45 million.

* *STATE WILDLIFE GRANTS:* The subcommittee would provide \$30,662,000 compared to a fiscal 2012 appropriation of \$61.3 million.

* *NPS PROGRAMS:* For Park Service operations the subcommittee would provide \$2,228,409,000 compared to a fiscal 2012 appropriation of \$2.240 billion.

* *FWS:* For operation of the Fish and Wildlife Service the subcommittee would provide \$1,040,488,000 compared to a fiscal 2012 appropriation of \$1,226,177,000.

* *FOREST SERVICE:* For the National Forest System the subcommittee

would provide \$1,495,484,000 compared to a fiscal 2012 appropriation of \$1,554,137,000.

RIDERS: Here are a few of the riders in the House subcommittee bill:

* *WILDLANDS:* Continuing a provision in last year's appropriations law the subcommittee would bar the Obama administration from carrying out a proposed policy of identifying and designating wild lands. Republicans argue that only Congress has the authority to designate wilderness.

* *OCEANS:* Deferring to a request from House Natural Resources Committee Chairman Doc Hastings (R-Wash.), the subcommittee would block implementation of a National Oceans Policy proposed by the Obama administration. Hastings argues the administration policy would lead to zoning of the ocean and a decrease in recreational fishing opportunities.

* *WETLANDS:* The bill is but one of many places House Republicans are trying to block implementation of a proposed administration wetlands policy. Republicans argue that the policy would require a permit for nonnavigable waters, in violation of Supreme Court decisions.

* *HUNTING:* The bill would declare public lands open to hunting unless specifically closed. This proposal enjoys some Democratic support and is being proposed by House and Senate Republicans and Democrats in several other bills.

House endorses border, Waco and Hatteras bills package

The House approved hotly-contested legislation June 19 that would require federal land managers to cooperate with Border Patrol agents who operate on federal lands near Mexico and Canada.

In the same package of 14 bills the House also approved legislation to revoke a Cape Hatteras National Seashore plan for managing off-road vehicles (ORVs).

In a third area, the House approved in the package legislation to add to the National Park System a site that includes remains of mammoths in Waco, Texas.

The three bills were among 14 the House Natural Resources Committee assembled into one measure (HR 2578), perhaps to avoid difficulty in passing individual bills. The House approved the package 232-to-188.

Border Patrol: The legislation (HR 1505 by itself) would waive some dozen laws, if the Department of Homeland Security sought access to the border for security purposes. The laws include the Wilderness Act, the Endangered Species Act, the National Historic Preservation Act, the National Environmental Policy Act, the National Park Service Organic Act, the Wild and Scenic Rivers Act, and more.

Rep. Rob Bishop (R-Utah) introduced the original border bill. He said June 19, "The Border Patrol's inability to routinely access the entire border region leaves us not only vulnerable to the trafficking of drugs but also potential terrorists and others who wish to harm our country. With the passage of this legislation the Border Patrol will finally have the access necessary to help us achieve a truly secure border - a sovereign nation should have nothing less."

Bishop was backed by the National Border Patrol Council on behalf of 17,000 border patrol agents. "For years, the federal government has used environmental regulations to block access for our Border Patrol agents to the over 20 million acres of federal land along the U.S./Mexican Border," the council said. "This lack of access has resulted in an increase in criminal activities such as drug smuggling and human trafficking."

But committee Democrats say the problem is illusory, that federal land managers cooperate. "In summary, the number of Border Patrol Agents-in-Charge who found that federal land management laws were impeding border security, but were prevented from fixing the problem

by the Interior Department, was exactly zero," said the Democrats in a committee report. "The Administration concurred with this finding at multiple hearings. The record is clear - the problem this bill claims to solve does not exist."

The Coalition of National Park Service Retirees said the bill could damage 54 national parks. "This legislative proposal is perhaps the most direct assault on national parks ever to be advanced at any level in any Congress in U.S. history," said coalition chair Maureen Finnerty. "It threatens to literally stop all enforcement of several landmark environmental and conservation laws that NPS uses to manage and protect the National Park System and to serve millions of park visitors."

Rep. Raúl Grijalva (D-N.M.), the ranking Democrat on the House subcommittee on National Parks, offered an amendment that would have stricken from the bill a 100 mile-wide zone where the bill would apply. The House defeated it by a vote of 177-to-247.

"This is theater of the absurd," Grijalva said. "Republicans have wanted to gut these laws for decades, and each excuse seems to get a little flimsier. They're not afraid to invent new reasons to get their way, and when those run out they just use the old ones again. The days of scaring everyone by shouting 'national security' are long over, and Republicans would do everyone a favor by recognizing that this is a big waste of time."

Hatteras: Rep. Walter Jones (R-N.C.), the sponsor of an original bill (HR 4094) to reverse NPS's Cape Hatteras plan, argued that a new Park Service plan overly restricts access to the seashore for ORVs.

"In addition to adequately protecting wildlife, this bill would give taxpayers more reasonable access to the land they own," Jones said. "It would reopen 26 miles of beach that are now permanently closed to motorized beach access and give seashore managers flexibility to implement more balanced measures that maximize both recreational

access and species protection.”

But, said Rep. Mike Quigley (D-Ill.), “(T)his bill would disrupt your vacation in Cape Hatteras by lifting necessary current restrictions regarding the use of off-road vehicles.”

Quigley was backed by the National Parks Conservation Association. It said in a statement, “This legislation undermines the National Park Service’s carefully drafted plan that protects families visiting the beaches and nesting shorebirds and turtles while still allowing vehicles on many beaches.”

The Park Service January 23 issued a final rule governing ORV use in the seashore after four years of controversy over a Bush administration strategy of June 2007 and subsequent litigation.

The January NPS rule would keep 28 miles of the seashore open to ORV use but designate 26 miles of vehicle-free areas.

In addition to Rep. Jones’s bill ORV users filed a lawsuit February 9 against the Park Service plan. However, the plaintiffs may face an uphill battle because the judge assigned the case, Emmet G. Sullivan in Washington, D.C., has ruled against powered recreation uses in national parks in other cases. For instance, Sullivan twice blocked Bush administration rules authorizing significant snowmobile use in Yellowstone National Park.

Waco Mammoth: The legislation would designate a Waco Mammoth National Monument on 109 acres near Waco, Texas. The land has been purchased from private donation but the bill does not allow the use of federal funds to acquire the 109 acres to manage the site. A predecessor bill from the last Congress would have allowed the acquisition.

The measure was introduced as a stand-alone bill (HR 1545) by Rep. Bill Flores (R-Texas). He defended the removal of acquisition authority, saying, “Given our current fiscal situation, the legislation included in this title has been drafted to provide

the national recognition that the site deserves without its adding additional burdens to the Federal budget or to the backlog at NPS.”

Senate nears passage of Farm Bill, minus recreation riders

The Senate was closing in on completion of a major Farm Bill (S 3240) at press time that does not include a clutch of recreation-related amendments.

Dropped from consideration by agreement of Democrats and Republicans were amendments to establish a new system for establishing recreation residence payments for cabin owners in national forests and to block a proposed Obama administration wetlands permit program.

Already in the bill (S 3240), as passed by the Senate Agriculture Committee, is a substantial conservation title. Among other things the title would extend an Open Fields program. Open Fields encourages landowners to open their properties to hunters and fishermen. That remains.

Sportsmen were working the bill actively. The Theodore Roosevelt Conservation Partnership Center for Agriculture opposed the wetlands amendment (it was dropped), opposed an amendment to delete a Conservation Reserve Program (it was defeated) and opposed an amendment to delete an Environmental Quality Incentives Program (it was dropped).

By defeating the Conservation Reserve Program and dropping the Environmental Quality Incentives Program amendments the Senate effectively protected the programs in the bill.

The sportsmen do support the Open Fields program in the bill and a slew of wildlife and hunting programs, said Steve Kline, the center director. (See related article on hunting and fishing on page 8.) Senators introduced some 300 amendments but Senate leaders eliminated all but 73.

Getting the underlying Farm Bill

through the Senate and the House to enactment in an election year won't be easy, even though Democrats and Republicans both profess to support it. For one thing, the House Agriculture Committee has not marked up a counterpart bill yet.

For another, the Senate took seven weeks from the time the Senate Agriculture Committee approved S 3240 April 26 to move beyond debating the parameters of floor consideration. That is until June 18 when Senate leaders, including agriculture committee chair Debbie Stabenow (D-Mich.) and ranking Republican Pat Roberts (Kans.), agreed to limit amendments.

Supposedly, the deadline for completion of the bill is September 30 when the existing farm bill (PL 110-234) is scheduled to expire. However, temporary extensions are possible, if not probable.

Here are some key issues involving the outdoors:

Open Fields: Is already in S 3240 and is not controversial. Section 2503 is formally titled the Voluntary Public Access and Habitat Incentive Program. The bill would extend the program for five fiscal years beginning with fiscal 2013 and provide \$40 million total over the five years.

The money would be used to continue an existing program that has passed \$50 million in grants through states to encourage private landowners to welcome outdoor recreationists on their lands.

Among other things the states provide rental payments to landowners as an incentive to open their lands to hunters, fishermen and other recreationists. The Farm Service Agency (FSA) administers the program.

Said Kline, "FSA estimates the Voluntary Public Access program has opened up three million acres of private land for hunting and fishing access across the country. It's the only program alive that provides access that is not focused on the public lands."

Conservation Reserve Program: The Senate rejected this amendment (SA 2314) from Sen. Mike Lee (R-Utah) June 20 by a 15-to-84 vote.

The amendment would have eliminated the Conservation Reserve Program (CRP), which pays farmers not to cultivate marginal land. Farmers have enlisted millions of acres in the program through contracts that last from 10 to 15 years.

Lee said his amendment would save \$15 billion over 10 years. "Only the Federal Government would try to defend the barbaric, outmoded practice of paying people billions of dollars not to use their land," he said.

But Stabenow said the provision has helped avoid another Dust Bowl. "This is about protecting land and water and air habitat, wetlands," she said.

FS cabin fees: Did NOT make the cut. This amendment (SA 2385) would have added a stand-alone national forest recreation residence bill (S 1906) to the Farm Bill. The amendment would establish nine tiers of fees beginning at \$500 per year and increasing by \$500 increments to a top fee of \$4,500.

Under the existing law - the Cabin User Fee Fairness Act of 2000 - the Forest Service in 2007 began reappraising cabins, based on five percent of the market value. Because some cabins had not been appraised for as much as 30 years the appraisals went through the roof.

Amendment sponsor Sen. Jon Tester (D-Mont.) has also introduced the stand-alone bill. The Senate Energy Committee held a hearing on it March 22. The Obama administration generally endorsed it.

The House Natural Resources Committee has approved the measure twice - once as a stand-alone bill (HR 3397) on Nov. 17, 2011, and once on February 16 of this year as an attachment to a controversial bill (HR 4019) to compensate counties for public lands within their borders.

Wetlands: Two amendments did NOT make the cut. The amendments are follow-ons to a three-year campaign by Senate and House Republicans to head off an emerging Obama administration wetlands policy.

Sen. John Barrasso (R-Wyo.) introduced one amendment that would simply forbid the administration from issuing the new policy, effectively leaving the old policy in place.

Sen. Sen. Rand Paul (R-Ky.) introduced a second amendment (SA 2177) to codify the old policy.

While the Senate has consistently refused to accept the provision the House several times has approved a rider to appropriations bills to block the proposed administration policy, most recently on June 6 in an Energy and Water appropriations bill (HR 5325).

At issue is draft guidance from EPA and the Corps of Engineers that would extend the sweep of a requirement for permits under the Clean Water Act beyond navigable waters. The draft guidance, which the agencies sent to the Office of Management and Budget in February, would also extend the permit requirement to some non-navigable waters.

Republicans insist that permits should be required only for navigable waters. While the House appropriations and Barrasso provisions would simply block the administration policy, the Paul amendment would specify in detail what the Corps and EPA may and may not regulate.

House, Senate try one more time to agree on roads bill

The good news for supporters of the Land and Water Conservation Fund (LWCF) is that by all accounts the Senate is insisting on a major LWCF funding provision as part of a surface transportation bill.

The bad news is that chances that the House and Senate will agree on a long-term transportation bill in a

conference committee are growing dim.

However, Speaker of the House John Boehner (R-Ohio) and Senate Majority Leader Harry Reid (D-Nev.) June 19 urged their members to agree on the outlines of a final bill. They asked Senate Environment and Public Works Committee Chair Barbara Boxer (D-Calif.) to negotiate nonstop over the next few days with her House counterpart, House Transportation Committee Chairman John Mica (R-Fla.)

Boehner set the stage for failure a fortnight ago when he said the House may move a six-month extension of an existing surface transportation law. He as much as said the six-month extension was necessary because the House and Senate are so far apart in the conference.

LWCF is not the only outdoor related program at risk. On June 14 Mica laid down a set of conditions for the negotiations that Senate Democrats are sure to reject. Among those demands is little or no funding for "non-transportation" programs, code for recreation-related activities such as trail construction.

While Mica didn't identify them, the Mica hit list surely includes such programs as transportation enhancements, Recreational Trails Program, scenic byways and Safe Routes to Schools, to name a few. Plus of course LWCF.

Said Mica, "For example, at a time when we should be consolidating and eliminating federal programs the Senate bill actually creates programs that cost \$3 billion a year. We in the House are opposed to that. The Senate bill mandates that States spend scarce gas tax revenues on wildflowers and on other non-transportation programs while our nation's bridges and roads are crumbling."

The House-Senate conference committee has been working for two months to reach an agreement between a fully-formed, Senate-passed bill (S 1813) and a House-passed six-month extension bill (HR 4348). However the House Transportation Committee did

approve a fully-formed bill (HR 7) of its own that has not reached the House floor. It does provide a negotiation position for House Republicans.

Overall, the negotiators are miles apart, said Derrick Crandall, president of the American Recreation Coalition. "Everything we pick up the House is pushing for devolution to the states of everything. It's like the states should get one fat check and do anything they want with it. That's a major sticking point."

As for the outdoors, the Senate bill would roughly maintain spending for transportation enhancements, recreational trails, scenic byways and Safe Routes to School. In addition it would guarantee \$700 million per year for two years for the Land and Water Conservation Fund (LWCF) without requiring an appropriation. The money would come from offshore oil and gas revenues. HR 4348 and HR 7 contain few if any of those allocations.

Said Alan Rowsome, who handles budget issues and tracks LWCF for The Wilderness Society, "The Senate has sent the House a couple of proposals and made a couple of concessions. But we understand the Senate is insisting on including LWCF and the House is pushing back."

Meanwhile, the clock is due to run out on an existing extension of the old highway law June 30.

At a strategy session June 15 major lobbyists supporting the Senate bill - truckers, state officials, etc. - reached an informal consensus that the hurdles before a conference committee are far too many and far too high for an agreement before the November 6 elections.

Said one lobbyist who attended the meeting, "Most everyone agreed the lifting was too heavy, even though (Senate Majority Leader Harry) Reid (D-Nev.) said he would call Boehner this week. One senior guy there said they are taking one step forward and two steps back. They find new reasons to disagree every day."

But, the lobbyists did hold out hope for a long-shot rescue plan after the elections. "There is a lot of talk of a lame duck session that may act on revenue issues. People who are leaving Congress might back the Simpson-Bowles (economic) plan as they go, including a 15 cents per gallon increase in the gasoline tax." Those new revenues would, theoretically, provide enough money for the House and Senate to pay the estimated \$50 billion per year needed for a surface transportation bill

Here's where the Senate stands compared to the House Transportation Committee bill on specific programs:

ENHANCEMENTS: The House committee bill would remove the existing \$900 million per year set-aside for transportation enhancements, but would allow the program to compete with other program for money from state highway transportation offices. The Senate bill would maintain guaranteed spending for the program at or about \$900 million for fiscal 2013 and 2014.

Said the Rails-to-Trails Conservancy in a bulletin to its members, "The bill will ensure greater local access to funds and a fair shot at approval for the most beneficial projects, and it preserves decision-making structures that enable public participation and well-balanced trail systems."

RECREATIONAL TRAILS: The House committee and the Senate committee are in rough agreement on setting aside \$85 million per year for the Recreational Trails Program.

The office of Sen. Amy Klobuchar (D-Minn.), the lead advocate for the program in the Senate, said the senator "has secured the continuation of the Recreational Trails Program as part of a larger Surface Transportation bill." The Senate did not take a formal vote on the amendment by itself; it was wrapped into a "manager's amendment."

SCENIC BYWAYS: The House committee bill would eliminate the program. The House committee would also eliminate funding for the America's

Byways Resource Center. That may not matter because the Obama administration is already closing the center down. The Senate bill would allow the scenic byways program to compete for money from either a Transportation Mobility Program or from transportation enhancements.

FEDERAL LANDS ROADS: The House committee bill would set aside \$535 million per year for federal land roads, 38 percent of which would go to National Park Service roads (or \$203 million), 32 percent to Forest Service roads (\$171 million) and 4.5 percent to the Fish and Wildlife Service.

The Senate bill would also keep federal and Indian land roads alive with an annual allocation of \$1 billion. Of that \$260 million would be allocated to national park and refuge roads.

NATIONAL PARKS OVERFLIGHTS: No comparable House provision. The Senate bill would limit environmental restrictions in an upcoming Grand Canyon National Park air tour management plan. The park tells us the final plan should be completed this summer.

The bill says, "None of the environmental thresholds, analyses, impact determinations, or conditions prepared or used by the Secretary to develop recommendations regarding the substantial restoration of natural quiet and experience for the Grand Canyon National Park required under section 3(b)(1) of Public Law 100-91 shall have broader application or be given deference with respect to the Administrator's compliance with the National Environmental Policy Act for proposed aviation actions and decisions."

Public Law 100-91 is the National Parks Overflight Act of 1987, which required the air tour plan.

Wildlife and hunting riders dropped from Senate farm bill

Senate leaders June 18 refused to consider a host of amendments affecting hunting and fishing policy in a Farm Bill.

The proposed amendments included a House-passed measure that would declare public lands open for hunting unless specifically closed.

But the amendment that may have stood the best chance of passage did not contain controversial provisions that are in the recently-passed House wildlife bill.

That amendment (SA 2232) from Sens. Jon Tester (D-Mont.) and John Thune (R-S.D.) would do such things as dedicate 1.5 percent of federal land acquisition money to hunting and fishing access on the public lands.

But Senate Agriculture Committee Chair Debbie Stabenow (D-Mich.) and ranking committee Republican Pat Roberts (Kans.), working with Senate leaders, chose to consider just 73 amendments on the Senate floor of the 300 proposed.

Among the amendments not making the cut were the Tester amendment and one from Sen. James Risch (R-Idaho) that would have the Senate accept the House public lands hunting bill.

The Risch amendment (SA 2302) would declare all public lands open to hunting and fishing, unless specifically closed; require state approval before a President could designate national monuments; declare hunting and fishing as "necessary" for the management of wilderness and potential wilderness areas; authorize the import of dead polar bears; and exempt hunting and fishing gear from the Toxic Substances Control Act.

The House approved the Risch amendment as a stand-alone bill (HR 4089) April 17 by a strong 274-to-146 vote.

The Farm Bill (S 3240) is a must-pass measure that Congress attempts to renew every five years. However, this year senators introduced more than 300 amendments, many of them nongermane, to the annoyance of Senate Agriculture Committee leaders.

In addition the House bill/Risch amendment has stirred up opposition

on its own. The National Parks Conservation Association (NPCA) says it could lead to hunting in national parks. In one objection NPCA said that even though the bill does not "require" national parks and monuments to be opened for hunting, they still may be opened.

In a second objection, NPCA said that park units that are neither national parks nor national monuments would be open for hunting, fishing and recreational shooting.

However, the Theodore Roosevelt Conservation Partnership (TRCP), which represents hunters and fishermen, supports both the House bill/Risch amendment and the Tester wildlife bill.

But Steve Kline, director of the TRCP Center for Agriculture, qualified that support. He told us his group opposes the House/Risch provision that would require state approval before a President could designate a national monument.

The Coalition of National Park Service Retirees (CNPSR) also attacked the language in the Risch amendment that would authorize hunting and target shooting in national parks. Said coalition executive council member Cherry Payne, retired superintendent of Glacier Bay National Park in Alaska, "NPS has long governed units of the National Park System based on the principle that hunting, trapping, collecting specimens and other uses that extract natural resources from park area ecosystems are not allowed, unless Congress has clearly authorized such activities."

The coalition also criticized Risch amendment language authorizing states to essentially veto national monument designations. Coalition Chair Maureen Finnerty said, "We hope that the Senate will take the time to examine this bill and make the necessary changes to specifically exclude all areas of the National Park System from its requirements and eliminate the section that guts the Antiquities Act."

Still another Senate hunting

amendment (SA 2423) was introduced June 14 by Sens. Lisa Murkowski (R-Alaska) and Joe Manchin III (D-W.Va.) It would just designate public lands as open for hunting and fishing unless closed. The public lands are managed by the Bureau of Land Management and the Forest Service. The amendment does not contain the other controversial provisions of the House bill.

To further complicate matters Risch has introduced as a stand-alone amendment (SA 2301) a single provision of his comprehensive hunting amendment - the requirement for state approval before a President could designate national monuments.

Finally, Tester's amendment contains a provision supported by both Democrats and Republicans - extension of a Federal Land Transaction Facilitation Act (FLTFA) through 2021.

The program, which authorizes the sale of excess federal land and the use of the proceeds for conservation acquisitions, expired July 25, 2011. The Obama administration formally endorsed the legislation May 17 in a House subcommittee hearing. The Senate Energy Committee reported a stand-alone bill (S 714) Sept. 6, 2011, that was sponsored by Sen. Jeff Bingaman (D-N.M.)

Again, all the hunting/wildlife amendments were dropped from consideration by leadership.

Rec industry wants to work with FS to modernize areas

The recreation industry earlier this month asked the Department of Agriculture to authorize a partnership pilot program to modernize and upgrade national forest recreation sites, particularly campgrounds and marinas.

The partnership projects would provide such features as modern facilities (hook-ups, dump stations, WiFi), onsite vehicle storage (from recreation vehicles to boats) and longer site management permits.

Leaders of the American Recreation

Coalition made their case June 6 to Under Secretary of Agriculture Harris Sherman. A follow-up meeting to discuss implementation is scheduled for July 17.

Said the American Recreation Coalition (ARC) in its June 18 newsletter, "There are those in the private sector willing to invest in campground and marina projects, but current Forest Service policies are a major deterrent to investment."

Said coalition president Derrick Crandall, "We recognize that the Forest Service is a national leader in outdoor recreation and we also recognize that the agency is facing appropriations challenges and needs help to continue a strong recreation program."

Sherman's office said it would provide a reaction to the ARC proposal, but at press time it had not responded to us.

There will surely be push back from recreation users who object to doing business with concessioners, rather than with Forest Service facility managers. And there is a significant segment of users who will object to the alleged transformation of public lands recreation sites into theme parks.

Kitty Benzar, president of the Western Slope No-Fee Coalition, said, "I have no comment on the specifics, but it sounds like a push for further privatization of public lands, and I think we are already too far down that path. Private concessionaire operation of public lands is unpopular with the public and the prices are higher than federally operated facilities - it's a lose/lose as far as I'm concerned."

But the recreation industry responds there is a good example on the books of successful expansion of rec industry authority - a new ski industry bill.

After several years of negotiations Congress last October passed legislation that allows ski resort operators on public lands to provide off-season services to the public. The previous law only

authorized Nordic and alpine skiing.

After the Forest Service worried about resort-type activities on federal public lands, the bill sponsors modified it to specify what would be allowed (zip lines; mountain bike terrain parks and trails; Frisbee golf courses; and ropes courses) and what would not be allowed (tennis courts; water slides and water parks; swimming pools; (golf courses; and amusement parks).

Here are some of the areas the recreation industry leaders asked Sherman and company to address:

Facilities upgrade: Whether because of budgetary problems or because of an intentional policy the Forest Service has not provided modern amenities at developed recreation sites, goes the theory. So the ARC newsletter said, "RV Industry leaders explained that the current state of facilities on Forest Service lands deters potential campers, who have come to expect facilities - such as pull-through site design and amenities including water, electricity, sewer and Wi-Fi - (which are) very rare in national forests."

Year-round storage: Said Crandall: "It's important to have infrastructure where repeat visitors can have the benefit of campground storage. For instance lots of people from the Denver suburbs visit national forests in Summit County every weekend. Campers want to find a way to leave their recreation vehicles at the Forest Service campgrounds." He said the same applied to ATVs at campgrounds and boats at marinas.

Revised permits: This is an old complaint of industry. Permits are not long enough (20 to 30 years, as opposed to 40 years for ski resorts) and they don't contain transferability provisions.

A summary of the recreation industry's recommendations can be found at the American Recreation Coalition's newsletter:

<http://www.funoutdoors.com/files/June%202012%20Newsletter%20Final.pdf>.

Standards for and nominations of new blueways in the works

The Interior Department intends to establish a procedure for interested parties around the country to nominate rivers and their associated watersheds as candidates for a National Blueways System.

The department launched the system May 24 when Secretary of Interior Ken Salazar designated a first unit - the 410-mile Connecticut River and its watershed.

But Adam Fetcher, a spokesman for Salazar, told us the department anticipates additional nominations, even though qualifications for national blueways have not been established yet.

On nominating new units he said, "Per the Secretarial Order, any established stakeholder partnership may, in collaboration with a sponsoring federal or state agency, nominate a river and its associated watershed as a proposed National Blueway by submitting an application according to the nomination process and assessment criteria."

At the same time he said standards for the new units have not been established yet. "Assessment criteria to be used in preparing a nomination are still in development, and will be pilot-tested in several watersheds in the coming months," Fetcher said. "When development of the criteria is completed, a process will be announced for submitting and evaluating nominations of new National Blueways."

The system is not supposed to affect either private property or the existing regulations that govern nominated lands, said Salazar in a secretarial order establishing the system. "Nothing in this Order is intended to be the basis for the exercise of any new regulatory authority, nor shall this initiative or any designation pursuant to this Order affect or interfere with any Federal, state, local, and tribal government jurisdiction or applicable law. . .," he said.

House Natural Resources Committee Republicans had no comment on the blueways proposal, a committee spokeswoman said.

Even though criteria have not been established yet Salazar designated the first Connecticut River unit that extends through Vermont, New Hampshire, Massachusetts and Connecticut. Some 2.4 million people live in the watershed in 396 communities.

Partnership appears to be the operative word. "The coordination and management of designated National Blueways will involve partnerships of Federal, state, and local agencies; non-governmental organizations; private landowners and land trusts; and businesses in the watershed and on the river," said Fetcher.

The secretarial order offers this definition of blueways: "National Blueways will be nationally and regionally significant rivers and their watersheds that are highly valued recreational, social, economic, cultural, and ecological assets for the communities that depend on them. National Blueways encourage a landscape-scale approach to river conservation that involves a river from its headwaters to its mouth and across its watershed, rather than individual segments of the channel and riparian area alone."

The Interior Department didn't say what agency or what office would run the show, other than, well, the Interior Department. But the committee that will oversee the program will include representatives from the Bureau of Land Management, National Park Service, Fish and Wildlife Service, U.S. Geological Survey, the Bureau of Indian Affairs, the Commissioner of Reclamation; the office of the Assistant Secretary of Interior for Policy, and other federal agencies where appropriate.

The secretarial order is available at: <http://www.doi.gov/news/pressreleases/loader.cfm?csModule=security/getfile&pageid=298557>.

Get Out West! continues even as Gregoire leaves WGA post

The Get Out West! campaign launched by Washington Gov. Christine O. Gregoire (D) did not expire with the end of her tenure as chair of the Western Governors' Association (WGA) last week.

It will continue with pilot projects, new studies on the economic impacts of outdoor recreation and new federal policies to encourage foreign tourism.

A signature report from the campaign issued June 11 at the WGA annual meeting in Cle Elum, Wash., repeated what other recent studies have argued - that outdoor recreation is an economic driver for the country.

The report, *A Snapshot of the Economic Impact of Outdoor Recreation*, concludes that outdoor recreation contributed \$645.6 billion last year to the nation's economy. Of that, \$256.6 billion was spent in the West.

The report was prepared jointly by WGA, the human-powered outdoor industry, the motor-powered recreation industry and the boating industry. It is available at: http://www.outdoorindustry.org/national-economic-impact-reports.php?action=detail&research_id=160.

The eight-page, easy-to-read report offers intriguing data, such as outdoor recreation dwarfs the motor vehicle and parts industry. Recreation is almost twice as large at \$646 billion per year as the automobile industry at \$340 billion per year.

On her way out Gregoire said, "It is our hope at WGA that policymakers at the national, state and local levels use this information to guide decisions on policies and investments related to job creation, economic development and community strengthening."

Indeed the recreation industry says it will continue to produce economic studies launched by Get Out West! In addition the Obama

administration has already adopted as policy the governors' recommendation that it expedite passports and visas for foreign tourists.

Gregoire's successor as chair, Utah Gov. Gary Herbert (R), supported Gregoire's Get Out West! campaign and said, "Each of us will examine these recommendations to see how we can put them to use in our states."

But Herbert's priorities over the next year as WGA chair appear to be quite different from Gregoire's. He has a single focus on energy. He said his "overarching theme" will be Responsible Energy Development.

Herbert is also known for his campaigns to gain state control over public lands in Utah. On March 23 he signed with enthusiasm legislation that requires the federal government to turn all federal lands in Utah over to the state. That includes national parks, Bureau of Land Management lands, national forests, wilderness areas and the Grand Staircase Escalante National Monument. The transfer is to be completed by the end of 2014.

In addition Herbert's government has filed or will file lawsuits to obtain 12,000 roads across federal lands as RS 2477 rights-of-way.

Gregoire's Get Out West! advisory group included a Who's Who of the recreation establishment, including representatives from industry, tourism, states and youth groups.

The Get Out West! campaign is patterned on the Obama administration's America's Great Outdoors (AGO) initiative. An AGO report, published Feb. 16, 2011, recommends an all-of-the-above approach to outdoor policy, beginning with full funding for the Land and Water Conservation Fund leading to the protection of conservation lands.

RS 2477 ROW lawsuits in California Desert wrapped up

Two separate lawsuits involving RS 2477 rights-of-way (ROWS) affecting

National Park System units in the California Desert were settled a fortnight ago - one by a court order rejecting an RS 2477 claim and the other through an agreement of the parties.

The agreement sorted out claims to 12 RS 2477 ROWS through and adjacent to Mojave National Preserve in California.

The deal, announced June 7, would grant San Bernardino County two RS 2477 ROWs bordering the preserve on Bureau of Land Management (BLM) land; grant the county eight other ROWs with the understanding the county will relinquish the claims; and deny two other applications.

The parties to the agreement include BLM, the Park Service, San Bernardino County and three conservation groups - the Center for Biological Diversity, the National Parks Conservation Association and the Sierra Club.

"This settlement will help protect the preserve's fragile desert resources, including Joshua tree forests, desert tortoise habitat, the 'singing' Kelso Dunes and several areas important to bighorn sheep," said Lisa Belenky of the Center for Biological Diversity. "The settlement recognizes some of the county's road claims while protecting the preserve from future claims."

The Mojave Preserve, established in 1994 in the California Desert Protection Act, extends over 1.6 million acres of desert.

In the other action a court order from U.S. District Court Judge Anthony W. Ishii denied one of four RS 2477 ROW requests of Inyo County through Death Valley National Park.

Ishii accepted the argument of conservation groups that the county didn't prove the half-mile route was maintained for public transportation prior to 1977.

Under the Federal Land Policy Management Act of 1976 counties applying for RS 2477 ROWs must demonstrate to a federal court they maintained the routes

for travel before 1976.

Ishii has rejected three other Inyo County applications for RS 2477 ROWs because the county didn't file in time.

Quoting Belenky of the Biological Diversity group again, this time on Ishii's order, "It means that counties can't obstruct efforts to protect national parks and other natural areas by claiming as a highway every wash a jeep may have once driven down."

Although the two cases that were concluded a fortnight ago focused on California, the State of Utah and Utah counties have taken the lead in the West in seeking control over RS 2477 rights-of-ways across public lands. They have filed numerous lawsuits and appeals to the Interior Board of Land Appeals.

The State of Utah May 8 both expanded and contracted its campaign to obtain control over thousands of RS 2477 ROWs. To expand its campaign the state filed lawsuits seeking a total of 3,787 ROWs in 13 counties. The state in November 2011 initially filed suits to obtain 804 ROWs in Kane and Garfield Counties. Eventually the state intends to file suits in 22 counties.

To contract its campaign the attorney general's office said the state would eventually attempt to obtain just 12,000 roads, down from the 19,000 it originally intended to claim in its lawsuits filed in the U.S. District Court for Utah.

In the litigation Utah and the California counties argues, as they have for decades, that the Federal Land Policy and Management Act of 1976 effectively gave states and counties the right to manage old ways that had been maintained locally prior to 1976. They are called RS 2477 ROWs.

Hill leaders would make Manhattan Project NPS site

House and Senate leaders from both political parties are near agreement on legislation that would establish a

Manhattan Project unit in the National Park System.

House Natural Resources Committee Chairman Doc Hastings (R-Wash.) said he would introduce this week a bill to designate the Manhattan Project National Historical Park to commemorate the development of nuclear weapons. He said he would hold a hearing on the measure June 27.

"Over the past several months, we've worked to bridge key differences between House and Senate drafts of this legislation," said Hastings June 14 in a statement. "Great progress has been made, and while a few differences remain, there is bipartisan bicameral agreement on the overall concept of the Park and the texts of the bills are very similar. We're now ready to move forward."

His counterpart, Senate Energy Committee Chairman Jeff Bingaman (D-N.M.), introduced a bill (S 3300) June 14 to designate the historic site. "There is no better place to understand history than where it happened, and that's what national parks and the National Park Service do best," he said.

The site will focus on three locations where the atomic bomb was devised and built - Los Alamos, N.M.; Oak Ridge, Tenn.; and Hanford, Wash. Most of the land and buildings will come from existing Department of Energy facilities. But the legislation does authorize the acquisition of private land from willing sellers.

The weapons-development portion of the project was located at the Los Alamos Laboratory in northern New Mexico. But much of the research was conducted at the Oak Ridge National Laboratory in Tennessee and the Hanford Site. (The Hanford site has been known variously as the Hanford Works, Hanford Engineer Works and/or Hanford Nuclear Reservation.)

The Park Service has completed a study of the proposed site and recommended its designation.

In July 7, 2011, letters to

Congressional leaders the acting assistant secretary of Interior for Fish and Wildlife and Parks Rachel Jacobson said, "The unit would be managed in partnership with the DOE, with the NPS management role aligned with its expertise in the areas of interpretation and education."

She added, "DOE would continue to have full responsibility for operations, maintenance, and preservation of the historic Manhattan Project properties already under its jurisdiction and would maintain full liability for any environmental hazards related to the properties."

Notes

Maine river opening settled.

The money has been raised and all the parties are lined up now for the opening of 1,000 miles of river in Maine. The project will consist of removal of dams along the Penobscot River and construction of a fish lift along another dam. The agreement was reached by Black Bear Hydro, the operator of hydroelectric projects along the river, a coalition of conservation groups and the Penobscot Indian Nation. The coalition - the Penobscot River Restoration Trust - has raised \$25 million of the \$62 million that will eventually be required to carry out the restoration in eastern central Maine. The Fish and Wildlife Service will contribute \$2.5 million and the National Oceanic and Atmospheric Administration \$1 million. Despite the dams the Penobscot has the largest Atlantic salmon run in the country. That run should increase exponentially after the proposal is implemented. Other migratory fish are also expected to benefit.

Feds rush to get fire tankers. The Forest Service and Congress last week took major steps to insure the country has enough large air tankers to fight wildfires this summer. On June 11 the Forest Service said it will borrow seven air tankers from Canada, Alaska and California and contract for an eighth tanker (a big DC-10) with a private company. The eight aircraft the Forest Service are lining up now are separate

from seven tankers that it contracted to buy June 13. Less than a week after two firefighters were killed June 3 in an air tanker crash in Utah, the Senate and House approved legislation June 8 to expedite the acquisitions of additional tankers. President Obama signed the bill June 13 (PL 112-132) allowing the Forest Service to issue the contracts. The acquisition would cost \$508 million over five years. Four of the tankers are to be delivered in 2012 and four in 2013. The law allowed the Forest Service to waive a provision of contracting law that requires a 30-day delay while Congress considers the award of a proposed contract. The law obviously represents but one small step in the larger drive to replenish the federal government's supply of air tankers. The two deaths occurred in the Hamlin Valley area of southwestern Utah during the fighting of the 5,000-acre White Rock Fire on the Nevada-Utah border. Dead were fire fighting contractors Todd Tompkins and Ronnie Edwin Chambless.

AASHTO has new bike guide. The American Association of State Highway and Transportation Officials announced June 14 that it has completed a new guide for transportation officials to design and build bicycle facilities. The *Guide for the Development of Bicycle Facilities, 4th Edition* tells engineers and officials how to integrate bike lanes, etc. into highway projects. The guide is available at https://bookstore.transportation.org/collection_detail.aspx?ID=116. The cost is \$120 for AASHTO members and \$144 for nonmembers. The charge applies to either a paperback version or an electronic version.

Powered rec joins roadless suit. The recreation and timber industries June 18 joined the State of Wyoming in asking the Supreme Court revoke a Clinton administration rule that bars most road building in roadless national forests. The Wyoming writ of certiorari asks the Supreme Court to overrule both the Ninth and Tenth U.S. Circuit Courts of Appeals. They both upheld the Clinton rule. Joining Wyoming by filing an amicus curiae were the BlueRibbon Coalition, the California Association of 4Wheel Drive Clubs and the American

Forest Resource Council. They backed the state's argument that the Clinton rule (1) usurped Congress's authority to designate wilderness, (2) failed to follow land use planning dictates of Congress and (3) was not supported by an adequate EIS. "We believe the Wyoming court correctly noted the legal flaws in the 2001 Rule," said BlueRibbon Public Lands Policy Director Brian Hawthorne. "We also believe that the U.S. Forest Service needs to address 'roadless area' management through local planning, not through politically driven-one-size-fits-all-templates created in the White House." The path chosen by Wyoming to get to the Supreme Court - a petition for a writ of certiorari - is a difficult one. A writ is granted to review only those cases where an appeal is not available under the Supreme Court's rules. Four court members must agree to hear a case. The court usually grants only about one percent about one percent of such writs. The Clinton rule limits road construction on 49 million acres of national forest. The Obama administration has signaled it will implement the Clinton rule.

Benepe leaves N.Y., joins Trust. One of the nation's most visible city park directors, Adrian Benepe, is leaving his post in New York City to become senior vice president of city park development at The Trust for Public Land. In that position Benepe will head up a campaign to establish parks and playgrounds across the country. Christopher K. Kay, chief operating officer of The Trust for Public Land, said, "With his experience and record of success, he will be a catalyst to help other cities build their park systems just like he has done so successfully in New York." As New York City's Commissioner of Parks and Recreation for the past decade Benepe can cite a stunning list of new parks and facilities for the city. The list includes, according to the Trust, "Brooklyn Bridge Park, Fresh Kills Park on Staten Island, Manhattan's Highline, the Yankee Stadium replacement parks in The Bronx, the West Harlem Piers Park, Bushwick Inlet Park in Brooklyn, Elmhurst Park in Queens, the Concrete Plant Park and Barretto Point Park in the Bronx, Icahn Track & Field

Stadium and Randall's Island Fields, the Ocean Breeze Track and Field Center under construction on Staten Island, Brooklyn's Prospect Park Lakeside Center, and the Flushing Meadows Pool and Rink in Queens. In addition, 40 miles of greenways in parks were created."

Sangre de Cristo easement set.

The owner of a 90,000-acre ranch in the Sangre de Cristo Mountains, Louis Bacon, said June 15 he will donate the land as an easement to the Fish and Wildlife Service (FWS). Bacon had previously donated a second ranch to FWS as an easement in the area. Both easements will form part of a Sangre de Cristo Conservation Area that FWS is assembling. Secretary of Interior Ken Salazar said the 90,000-acre easement is the largest ever donated to FWS.

Boxscore of Legislation

Appropriations Fiscal 2013 (Interior).

No bill yet. House subcommittee approved June 20. Panel would cut sharply virtually all outdoor programs.

Appropriations FY 2013 (Energy, Water)

HR 5325 (Frelinghuysen), S 2465 (Feinstein). House committee approved April 25. Senate committee approved April 26.

Appropriations FY 2013 (Transportation)

S 2322 (Murray). Senate committee approved April 19. House committee approved June 19.

Appropriations FY 2013 (Agriculture)

S 2375 (Kohl). Senate committee approved April 26. House committee approved June 19.

Congressional Budget Fiscal 2013.

House Budget Committee approved March 21. No Senate action. House would reduce natural resources spending significantly.

Appropriations Fiscal 2012 (Interior, Etc.)

HR 2584 (Simpson). President signed into law Dec. 23, 2011, as PL 112-74. Would roughly maintain most outdoor programs and agency budgets at fiscal 2011 levels.

Surface Transportation.

HR 7 (Boehner), S 1813 (Boxer). House committee approved February 13. Senate approved March 14. The House would reduce funding for park and rec programs, but the Senate not as much. The Senate included \$700 million per year for LWCF for two years.

LWCF (Guaranteed Funding)

S 1265 (Bingaman). Bingaman introduced June 23, 2011. Would guarantee full funding of LWCF each year.

LWCF (Fed Lands Access)

S 901 (Tester). Tester introduced May 5, 2011. Would allocate 1.5 percent of LWCF for access to fed lands for rec.

Urban Parks

HR 709 (Sires). Sires introduced Feb. 15, 2011. Would provide \$450 million per year to rehabilitate urban parks.

Roadless Areas: No

HR 1581 (McCarthy), S 1087 (Barrasso). McCarthy introduced April 15, 2011. Barrasso introduced May 26, 2011. Would reverse Clinton roadless rule, block Salazar 'wild lands' policy, release FS and BLM roadless areas.

Roadless Areas: Yes

HR 3465 (Inslee), S 1891 (Cantwell). Inslee introduced Dec. 19, 2011. Cantwell introduced Nov. 17, 2011. Would codify Clinton roadless rule.

Hunting and Fishing Access

HR 4089 (Jeff Miller), S 2066 (Murkowski). Murkowski introduced February 2. House approved HR 4089 April 17. House bill would not only keep public lands open to hunting, as well as require state approval of national monuments.

National Monuments

HR 302 (Foxx), S 407 (Crapo), numerous other House bills. Foxx would require state approval of any national monument. Herger, Crapo would require Hill approval within two years.

California Desert Monument

S 138 (Feinstein). Feinstein introduced Jan. 25, 2011. Would designate a Mojave National Monument and protect 1.6 million acres of desert.