

# Federal Parks & Recreation

Editor: James B. Coffin

Subscription Services: Celina Richardson

Volume 29 Number 12, June 24, 2011

In this issue. . .

**DoI down on Grand Canyon mining.**  
Salazar favors 20-year withdrawal of nearby land with uranium claims, in EIS. Critics contend science doesn't support..... Page 1

**Budget debate heats up, again.**  
But almost six weeks to go. Conservationists try to head off disproportionate cuts... Page 3

**House GOP gives OHVers a day.**  
To sound off against FS, BLM restrictions in travel management plans. GOP is on board..... Page 4

**Administration sets up AGO panel.**  
With LWCF recommendation in trouble with GOP, administration takes many smaller steps.... Page 5

**Appropriators hit conservation.**  
In USDA and Corps money bills. House approves \$1B in farm cuts. Panel blocks wetlands rule.. Page 6

**House too moves lands measures.**  
Such as offseason ski bill. But Hastings against omnibus.... Page 7

**TE report gives all ammunition.**  
For and against trails spending in upcoming roads bill..... Page 8

**All states on endangered list.**  
Included again as historical properties in trouble..... Page 10

**Senators hit fire prevention.**  
Say land managers haven't done enough to head off fires..... Page 11

**Notes.....** Page 12

**Boxscore of Legislation.....** Page 14

## Salazar tilts toward bar on mining near Grand Canyon

Secretary of Interior Ken Salazar June 20 inched toward a formal withdrawal of one million acres of public lands from uranium mining near Grand Canyon National Park.

He ordered a six-month withdrawal of the one million acres of nearby Bureau of Land Management (BLM) and Forest Service lands from the filing of any new hard rock mining claims to block additional uranium development.

Then he chose a preferred alternative to be analyzed in an EIS over the next six months that would carry out a 20-year withdrawal.

Salazar said he will make a final decision this fall on a 20-year withdrawal but in his remarks at a media availability at Grand Canyon he left no doubt how he was leaning.

"Like our ancestors, we do not know how future Americans will enjoy, experience, and benefit from this place," he said. "And that's one of the many reasons why wisdom, caution, and science should guide our protection of the Grand Canyon."

And he played the economics card. "You know that the visitors that come here to the Grand Canyon every year and all our national parks and wildlife refuges in the country add an incredible amount to the economy of the United States," he said.

The land is already closed to new mining claims by a July 21, 2009, segregation notice. The notice was scheduled to expire on July 20. The withdrawal would close the area for 20 years, save for valid existing rights.

And valid existing rights (VERs)

may be asserted for as many as 10,000 claims. That poses a major problem for the administration because if the claimants can prove VER, the claims may legally be developed.

Said Salazar at a press briefing, "It is worth stating again that we believe there are likely a number of valid existing rights in the proposed withdrawal area even if the preferred alternative is ultimately selected as the final decision. We expect continued development of those claims and the establishment of new mines over the next twenty years."

For now Grand Canyon advocates such as Arizona Trout Unlimited applaud the administration's decision to head off new claims. "The Secretary's announcement today to protect the Grand Canyon's water and wildlife habitat from impacts caused by uranium mining is welcome news to hunters and anglers here in Arizona, and across the country," the group's chair Jim Stipe said.

The existing claims theoretically can be developed, as Salazar indicated. But the mining industry fears that a 20-year withdrawal would effectively prevent development of claims except the few that are already covered by operations plans.

Industry is concerned that only those claims that (1) already demonstrate a discovery of minerals and (2) demonstrate they could be economically developed would qualify for valid existing rights. Development of all other claims would be barred for the foreseeable future.

National Mining Association (NMA) General Counsel Katie Sweeney attacked Salazar's action as being contrary to proved science, perhaps laying the grounds for a lawsuit.

"The (BLM) has provided no evidence that mining activities in areas outside the existing park pose a risk to resources within the Grand Canyon National Park," said Sweeney. "In BLM's February 18 draft (EIS), a panel of experts found mining activity would have no or negligible impact on

water sources; recreation and tourism 'are unlikely to be affected;' mining 'would not result in any direct impacts to designated and proposed wilderness areas;' and 'impacts are not anticipated to alter the overall distribution of fish or aquatic organisms, nor result in changes to overall fish or wildlife populations.'"

House Natural Resources Committee Chairman Doc Hastings (R-Wash.) echoed industry's assertions about a low danger to the park from uranium mining, as described in the draft EIS.

"Under the guise of protecting the Grand Canyon, one of our Nation's great national treasures that we all agree should be preserved, this Administration will send thousands of jobs overseas by extending the moratorium on the mining of 40 percent of America's uranium," he said. "Studies have shown that uranium mining outside the park's border will have negligible environmental impacts and it appears the Administration is basing this decision on politics instead of science."

But the Earthworks environmental group had charged earlier this month that the science in a BLM EIS may be tainted because the research was performed by a scientist who holds an interest in uranium mining claims. Earthworks said Karen Wenrich, a mining industry consultant, holds 61 uranium claims.

"The BLM relied on Wenrich's research to downplay risks to the (Colorado) river, but did not disclose Wenrich's status as a claimholder or that she stood to make \$225,000 by selling her claims to a uranium mining company if the Interior Department left the million-acre area open to new claims," said the group.

The draft EIS contained four alternatives:

Alternative A (no action) would retain existing policy and no withdrawal would be made.

Alternative B (full withdrawal) would withdraw the 1 million acres for

20 years from the Arizona Strip managed by BLM and the Kaibab National Forest, subject to valid existing rights.

Alternative C (partial withdrawal) would withdraw 650,000 acres for 20 years, subject to valid existing rights.

Alternative D (partial withdrawal) would withdraw 300,000 acres containing the highest concentration of uranium claims, subject to valid existing rights.

Salazar said Alternative B would be the preferred alternative in a final EIS.

### **White House and GOP leaders are meeting on budget still**

With Vice President Joe Biden's vow to "work around the clock" ringing in their ears, White House and Congressional Republicans resumed negotiations on a long-term budget this week.

The negotiators are attempting to strike a deal that trades budget cuts demanded by Republicans for an increase in the federal debt limit demanded by the White House.

But don't expect too much action real soon because it is the nature of political negotiations to go down to the very last second. And the deadline for raising the debt limit won't strike until early August six weeks from now.

Meanwhile, Senate Budget Committee Kent Conrad (D-N.D.) said last week he would finally introduce a version of a Senate budget this week, but that had not happened at press time. He had been withholding introduction of the budget, which the Senate by its own rules is supposed to pass by April 15, pending the results of the White House/Republican budget negotiations. Completion of the budget is supposed to be a necessary step before appropriations bills can be written.

The budget talks have reportedly made some progress, such as a tacit agreement to reduce spending by \$1 trillion over ten years, but Republicans

are demanding much more significant cuts.

More than 400 conservation and recreation groups wrote the White House/Hill negotiators June 21 urging them to limit spending reductions in conservation programs. The letter was sent to President Obama, Speaker of the House John Boehner (R-Ohio) and Senate Majority Leader Harry Reid (D-Nev.)

The groups asked the negotiators to limit spending reductions in Section 300, the Natural Resources budget line item. They said a House-passed budget proposes to cut Section 300 spending over time by as much as 46 percent.

The groups said, "(W)e fear that ongoing budget negotiations could result in top line cuts that, without ever considering the merits of the nation's key conservation programs, will result in devastating impacts for the future of America's environment."

They added, "The federal budget cannot and should not be balanced on the back of conservation. The natural resources budget should not be cut disproportionately to the budget as a whole."

Signing the letter were such varied groups as the National Parks Conservation Association, the Outdoor Industry Association, and the American Forest and Paper Association.

Unlike the Senate the House went ahead and approved its budget April 15, setting up action on appropriations bills. An Interior and related agencies spending bill is scheduled for mark-up in subcommittee July 6.

The subcommittee will have \$2.1 billion less to spend in this fiscal year 2012, a decrease to \$27.5 billion from a \$29.6 billion allocation in fiscal 2011. The cap is \$3.8 billion less than the administration's fiscal 2012 request.

In other spending bills the House approved a fiscal 2012 Department of Agriculture appropriations bill (HR 2112) June 16 with reductions of \$1 billion in conservation spending. And the \$1 billion comes on top of a \$500

million reduction in fiscal 2011.

The House Appropriations Committee June 15 approved a fiscal 2012 Energy and Water appropriations bill that would block a proposed Obama administration wetlands permit policy. The bill says no money, whether fiscal 2012 or prior, could be used to redefine navigable waters. That definition guides EPA and the Corps of Engineers in deciding whether a Section 404 wetlands permit is required for projects that affect the nation's waters.

Finally, a fiscal 2012 Transportation spending bill is not scheduled for subcommittee action until July 14; followed by full committee July 26. However, the committee has already set a spending cap for the bill of \$47.7 billion that is \$7.7 billion less than the fiscal 2011 appropriation of \$55.4 billion.

## **House GOP lets OHV users air federal agency criticism**

A House subcommittee gave off-highway vehicle (OHV) users a platform to air their complaints about limited access to federal lands and they jumped on the opportunity.

Six witnesses at the hearing criticized federal land managers, particularly the Forest Service and the Bureau of Land Management (BLM), for not allowing access to the backcountry in newly-developed travel management plans. The hearing was hosted by Rep. Rob Bishop (R-Utah), chairman of the House subcommittee on National Parks, Forests and Public Lands.

Russ Ehnes, executive director of the National Off-Highway Vehicle Conservation Council, led off the session by citing the example of a travel management plan prepared by the Lewis & Clark National Forest that closed former OHV trails.

"The vast majority of these trails were sustainable and could have been managed for OHV recreation," Ehnes said. "This is a scenario that has repeated itself hundreds of times nationwide

and has been accelerated by action(s) including the travel management rule, . . ."

The OHVers were backed by Rep. Tom McClintock (R-Calif.) "We are being flooded by complaints of abuses of the public land," he said. "There is a pattern that seems to suggest that they (the Forest Service) view their mission as excluding the public from the public's land."

But Rep. John Garamendi (D-Calif.) noted that there are 1.2 million OHVs in the nation that could harm the public lands. "There is no doubt that off-road vehicles produce very important recreational opportunities," he said. "They also have the potential to have a very heavy impact on the land. Therefore maintenance and wise location become extremely important."

The other two witnesses at the hearing represented respectively the Nantahala Outdoor Center, which promotes whitewater rafting in the Southeastern United States; and Backcountry Hunters and Anglers, which promotes back country hunting and fishing.

The subcommittee held the hearing to focus on the economic benefits of recreation on federal lands. The subcommittee did not invite witnesses from the Forest Service and the Bureau of Land Management to attend.

One consistent trouble spot for OHV users has been the national forests of California. Four Republican House members including McClintock have introduced legislation (HR 242) to force the service to allow OHV use on "Maintenance Level" roads in national forests.

The Forest Service issued travel management regulations on Nov. 9, 2005 that require each of the 155 national forests and 20 grasslands to map areas open to OHVs.

The Forest Service established a complex classification system that allocates routes to four categories – open, existing routes, system routes and cross-country routes.

The Forest Service had anticipated completing plans for each of its forests by the end of fiscal 2010, but only completed 66.7 percent. It projects it will complete all the plans by the end of this fiscal year September 30.

For background on the Forest Service program go to <http://www.fs.fed.us/recreation/programs/ohv/>.

BLM launched its travel management program on Jan. 21, 2001, with the publication of a National Management Strategy on motorized OHV use. It directed BLM to develop regulations, which BLM published Oct. 1, 2001.

BLM travel management plans identify areas that are open to OHV use, areas where OHVs are limited to certain times or certain kinds of vehicles, and areas that are closed.

BLM's travel management website says, "For the 258 million acres of BLM administered lands, the BLM's current OHV designation status is approximately 32% 'open', 4% 'closed', 48% 'limited', and 16% 'undesignated.' Included among the 'open' areas, BLM manages approximately 100 specifically designated OHV riding areas." More information is available at BLM's website: [http://www.blm.gov/wo/st/en/prog/Recreation/recreation\\_national/travel\\_management.html](http://www.blm.gov/wo/st/en/prog/Recreation/recreation_national/travel_management.html).

## **Administration establishes AGO panel, takes small steps**

Faced with determined Republican opposition to the Obama administration's signature conservation recommendation — full funding for the Land and Water Conservation Fund (LWCF) — the administration is looking elsewhere for outdoor accomplishments.

In one important step in that direction the administration June 13 established an interagency body to coordinate the implementation of the President's America's Great Outdoors (AGO) initiative. Full funding for LWCF is the lead recommendation of a February AGO report.

While the Federal Interagency Council on Outdoor Recreation (FICOR) will be made up of federal officials, it is supposed to promote recreation at all levels of government, as well as with nongovernmental entities.

Said Secretary of Interior Ken Salazar, "By ensuring the federal government is coordinating its policies and programs with our state, local and tribal partners, we can better fuel our nation's spirit of adventure and economy."

The administration has not given up on LWCF, even though Congress in a fiscal year 2011 appropriations law (PL 112-10 of April 15) approved \$123 million less for the federal side of the program than the previous year (and the same \$40 million for the state side of LWCF.)

The fiscal 2012 appropriations fight promises to be just as difficult with an Interior and Related agencies spending bill facing a \$2.1 billion reduction, to \$27.5 billion from a \$29.6 billion allocation in fiscal 2011. The subcommittee on Interior and Related Agencies is tentatively scheduled to mark up the bill July 6.

So Salazar held a rally at the Interior Department May 11 with more than 100 conservation leaders yesterday to pump up support for his Legacy agenda. LWCF tops that agenda.

Meanwhile, the administration continues to take actions to highlight conservation and recreation with no-cost or low-cost initiatives. Such as:

\* **NATURAL LANDMARKS:** On June 15 Salazar designated six new national natural landmarks. They include Barfoot Park in the Chiricahua Mountains of southern Arizona on Forest Service land; Golden Fossil Areas to be part of the Morrison Fossil Area National Natural Landmark in Colorado; Hanging Lake National Natural Landmark in the White River National Forest in Colorado; Kahlotus Ridgetop National Natural Landmark in Washington on state land; Round Top Butte National Natural

Landmark near Medford, Ore., on land managed by the Bureau of Land Management and by the Nature Conservancy; and Island National Natural Landmark in Oregon on land managed jointly by the Bureau of Land Management and the Forest Service.

\* NEW YORK GREENWAY: As a step toward an ambitious New York Harbor trail and greenway network the Park Service will develop the largest urban park campground in American on Floyd Bennett Field in Brooklyn. Salazar announced June 13 the campground will expand to 90 sites over two years and may eventually reach 600 sites.

\* SAN JUAN ISLANDS, WASHINGTON: Salazar June 17 directed three Interior Department agencies to work with state and local officials in the State of Washington to prepare a recommendation for a San Juan Islands National Conservation Area. Federal legislation would be required to establish the conservation area on 1,000 acres of BLM-managed land.

The interagency recreation council will be headed by Council on Environmental Quality (CEQ) Chair Nancy Sutley and CEQ will coordinate FICOR.

On June 13 the Department of the Interior, Department of Agriculture, Department of the Army, Department of Commerce, and CEQ signed a Memorandum of Understanding to establish FICOR. More info at [www.recreation.gov](http://www.recreation.gov).

## **E&W and farm appropriations bills target conservation**

House Republicans are moving quickly to curb conservation initiatives, both in a fiscal year 2012 Department of Agriculture spending bill and in a fiscal 2012 Energy and Water appropriations bill.

On June 16 the full House approved a Department of Agriculture bill (HR 2112) by a 217-to-203 vote that would cut conservation by \$1 billion, and in so doing eliminate all spending for an "Open Fields" grants program.

On June 15 the House Appropriations Committee approved an Energy and Water spending bill that would block a proposed new Obama administration wetlands permit policy.

The twin actions contribute to the Republican promise to reduce federal spending in fiscal 2012 appropriations bills.

Of course the legislation still must go through the Democratic-controlled Senate, which will almost certainly attempt to approve more spending. However, the Senate has yet to complete a Congressional budget, normally a necessary antecedent to writing appropriations bills (see related article page 3.)

AGRICULTURE BILL: House supporters of conservation spending mounted a rearguard action to head off the \$1 billion reduction in conservation spending in the farm appropriations bill. Led by Rep. Tim Holden (D-Pa.) they offered an amendment to HR 2112 that would have taken almost six percent out of all agriculture programs to make up for the conservation loss. It failed badly in an 84-to-335 vote.

Holden argued that conservation was being asked to take disproportionately large reductions. "Almost half of the total cuts in this piece of legislation come from mandatory conservation programs," he said.

He detailed the reductions: "\$210 million in cuts in the Conservation Steward Program; \$350 million in cuts in the Environmental Quality Incentives Program; \$50 million in cuts in Farmland Protection Program; 96,000 acres reduced in the Grassland Reserve Program; 64,200 acres reduced in the Wetland Reserve Program; and \$35 million of reductions in Wildlife Habitat Incentives Program."

But the chairman of the House subcommittee on Agriculture appropriations, Rep. Jack Kingston (R-Ga.), said the reductions wouldn't hurt conservation too much because no existing contracts would be cancelled. Besides, he said, "I want to say that while conservation funding is down,

farmers still have access to \$5.8 billion in conservation funding. And that's for private landowners."

In a related matter the Department of Agriculture said June 14 it would allocate \$17.8 million this fiscal year 2011 in Open Fields grants. The department awarded \$11.75 million in fiscal 2010. The Farm bill authorized \$50 million to the start-up program.

States and tribes are authorized to use the money for programs that provide landowners with financial incentives to open their lands, such as rental payments, to hunters and fishermen. However, the House-passed appropriations bill would block any grants in fiscal 2012.

**WETLANDS BILL:** The House Appropriations Committee rejected June 15 by a 21-to-27 vote an amendment that would have eliminated a provision of an Energy and Water bill that would block a new Obama administration wetlands permit policy.

Hunting and fishing groups criticized the vote. "While sportsmen understand the need for fiscal conservatism, this rash decision by Congress leaves vulnerable waters that provide critical habitat to fish and wildlife, flood control, drinking water and a range of other benefits," said Steve Kline, director of the Theodore Roosevelt Conservation Partnership Center for Agricultural and Private Lands. "We urge House appropriators to reconsider this budgetary measure, which takes several steps backward in our efforts to restore Clean Water Act protections to the nation's streams and wetlands."

The administration proposal consists of a definition designed to guide EPA and the Corps of Engineers in deciding whether a Section 404 wetlands permit is required for projects that affect the nation's waters.

The proposed Obama administration guidance attempts to interpret a confusing U.S. Supreme Court decision that appeared to limit federal 404

permitting authority to navigable waters. That is the famous Rapanos decision.

In their draft guidance EPA and the Corps would include under the navigable waters rubric:

- \* navigable waters (of course);
- \* interstate waters;
- \* wetlands adjacent to navigable waters or interstate waters; and
- \* semi-permanent non-navigable tributaries to navigable waters.

EPA and the Corps are taking public comments on the proposed guidance until June 28.

As for money the appropriations committee actually approved \$195,406,000 more for the Corps of Engineers than the Obama administration requested - \$4.768 billion in fiscal 2012 compared to a request of \$4.573 billion. The subcommittee recommendation is \$89 million less than a fiscal 2011 appropriation.

## **House moving lands bills, but GOP is cool to omnibus idea**

Like its counterpart Senate Energy Committee the House Natural Resources Committee has begun to address a slew of lands bills. But leaders of the House committee are not eager to package lands bills into an omnibus measure later this year.

Said an aide to House Natural Resources Committee Chairman Doc Hastings (R-Wash.), "Yes, these bills will each be moved as stand-alone legislation. Chairman Hastings does not support omnibus legislation."

Most recently, the House committee June 15 approved 14 bills, including an important measure (HR 765) that would authorize non-skiing activities in ski resorts in the off-season.

For its part the Senate Energy Committee held a hearing May 11 on a miscellany of park and rec bills that were included in a failed omnibus measure last year, touching off

speculation about an omnibus this year.

But as Sen. Ron Wyden (D-Ore.) said at a second round of hearings May 18, "Most of these bills are completely noncontroversial. All have been considered by the subcommittee during the previous Congress. . . Today we simply want to update the record, allow the administration to comment on any changes that may be made and allow subcommittee members to ask any questions."

The Senate committee hearings last month alarmed such groups as the American Land Rights Association, which feared Congress may attempt to reprise a huge omnibus bill from the last Congress (S 303). That measure included more than 100 individual bills (including the skiing activity bill, and ran to more than 1,000 pages.

Although the measure included goodies for both Republican and Democratic members of Congress, western Republicans opposed the measure as a land grab. In the face of that opposition Senate Majority Leader Harry Reid (D-Nev.) pulled the plug Dec. 21, 2010.

Here are some of the park and rec measures that are being addressed by the House and Senate committees:

\* SKI AREA SUMMER AUTHORIZATIONS (S 382 and HR 765). Would make clear what uses ski resorts may and may not provide on federal lands in the off-season. The ski industry asked Congress to provide specific authority so member resorts could offer additional services in the summer. House committee approved June 15. Senate hearing May 18.

\* REVOLUTIONARY WAR AND WAR OF 1812 (S 779). Would authorize the Park Service to acquire battlefields through fiscal 2022 with up to \$10 million each year for Civil War battles and \$10 million each year for Revolutionary War and War of 1812 battles combined. Senate hearing May 11.

\* NATIONAL PARK IN DELAWARE (S 323, HR 624). Would establish a First State National Historical Park in the

State of Delaware to recognize in part the state's role in the establishment of the Republic. Senate hearing May 11.

\* VALLES CALDERA TRANSFER FROM FS TO NPS (S 564). Would transfer 88,900 acres in the Valles Caldera of the Santa Fe National Forest in New Mexico to the National Park Service. Senate hearing May 11.

\* NATIONAL MONUMENT: CHIMNEY ROCK (S 508). Would designate a 4,726-acre monument in the San Juan National Forest in the San Juan Mountains of southwest Colorado. Senate hearing May 11.

\* WACO MAMMOTH NATIONAL MONUMENT (S 849, HR 1545). Would include in the National Park System a site that includes remains of mammoths in Waco, Texas. House hearing June 14. Senate hearing May 11.

\* GETTYSBURG EXPANSION (HR 1335). Would add the Gettysburg Railroad Station to Gettysburg National Military Park and would add a 45-acre tract south of the battlefield to the park. No House action.

\* FEDERAL LAND TRANSACTION FACILITATION ACT (S 714). Would allow the Bureau of Land Management to sell lands cleared by all land management plans, not just plans completed prior to 2000, as the old law does. Most of that money is used for conservation and acquisition. Senate hearing May 25.

\* NATIONAL WOMEN'S HISTORY MUSEUM (S 680 and HR 1269). The Senate Environment and Public Works Committee approved S 680 May 2. The bill would authorize the transfer of federal land in Washington, D.C., to the National Women's History Museum, Inc. for the establishment of a women's museum.

## **TE report says almost \$9B obligated, mostly for trails**

With a transportation enhancements program under the gun as two Congressional committees prepare to write a multi-year surface transportation bill, a new report provides fodder for both critics and supporters.

For critics the report from the National Transportation Enhancements Clearinghouse says that states have obligated almost \$9 billion from the Highway Trust Fund for such things as bike trails. The critics say the Highway Trust Fund should be used to build highways and bridges, period, and not trails.

For supporters the report notes that states took a disproportionate amount of money from transportation enhancements in August 2010 during a \$2.2 billion rescission exercise. The states rescinded almost \$600 million from enhancements, or 26 percent of the total rescission. The program makes up only 2.3 percent of highway funding.

The supposed imminence of mark-ups by the House transportation Committee and the Senate Environment and Public Works Committee (EPW) should be viewed with some skepticism. The panels have supposedly been on the verge of drafting their bills for two months.

In addition insiders, including ranking EPW Republican James Inhofe (R-Okla.), have predicted Congress will not be able to put together a long-term, six-year bill but, at best, will have to settle for a two-year interim measure.

But the committees face a deadline of sorts - the end of September. Congress in March extended the current transportation law - the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) - until then to provide time to write a new six-year law. But SAFETEA-LU could always be extended again.

The problem facing the House and Senate committees and the Obama administration is purely financial. The Highway Trust Fund no longer provides enough money from gasoline taxes to pay for road and bridge construction, as well as park and recreation programs.

Here's where the parties stand;

**HOUSE TRANSPORTATION COMMITTEE:** Under chairman John Mica (R-Fla.) the

committee is expected to go first next month and begin marking up a six-year bill. The committee will probably use a spending cap of \$218 billion, or an average of \$36.3 billion per year. Chairman Mica has frequently criticized "fluff" programs, inferentially park and rec spending.

The bill is expected to reflect the recommendations of chairman Mica and committee Republicans. Ranking committee Democrat Nick Joe Rahall (D-W. Va.) has asked to be in the room when the committee mark is produced, but thus far has been rebuffed.

**SENATE EPW COMMITTEE:** Under chair Barbara Boxer (D-Calif.) the Senate committee is expected to follow closely behind the House committee and draft a bill in July. Boxer said her bill would authorize \$339 billion, or \$56.5 billion per year. Boxer is expected to try to protect outdoor programs such as transportation enhancements but Republican senators such as Inhofe have openly expressed opposition to such spending.

**OBAMA ADMINISTRATION:** The administration's fiscal year 2012 budget recommended a \$556 billion, six-year surface transportation bill, or \$92.6 billion per year. The administration would provide robust funding for such outdoor programs as transportation enhancements, recreational trails, scenic byways and federal lands roads. It would consolidate them, now funded as separate entities, into a new "Livability" line item at \$4.1 billion. Comparable programs under the existing law received \$2.9 billion in fiscal 2010.

However, the House has already put a damper on that recommendation by setting a Transportation appropriations spending cap for fiscal 2012 of \$47.7 billion, or half the administration recommendation. That's also \$7.7 billion less than the fiscal 2011 appropriation of \$55.4 billion.

As for the transportation enhancements report, it was written by the National Transportation Enhancements Clearinghouse, a partnership of the

Federal Highway Administration and the Rails-to-Trails Conservancy.

The report says that \$12.47 billion has been apportioned for transportation enhancements between fiscal year 1992 and 2010. Of that amount 79 percent has been programmed, or \$9.87 billion, and 70 percent has been obligated, or \$8.75 billion. The states have been reimbursed for 60.8 percent of the \$12.47 billion, or 60.8 percent.

A hair under 50 percent of programmed funds has been spent on bicycle and pedestrian facilities, the report says, but when rail-trails, education and pedestrian streetscape are added in the total climbs to more than 63 percent. In dollars that's \$6.2 billion of the \$9.87 billion programmed.

The report and information about the clearinghouse are available at [www.enhancements.org](http://www.enhancements.org).

## **States still are one of 11 endangered historic sites**

In one of the most influential "Top 10" lists in the country the National Trust for Historic Preservation last week named America's 11 Most Endangered Places.

Among the 11 places were all the 50 states because budget woes across the country have forced states to make targets of historic preservation programs. The trust put the states' problems at the top of their list last year.

Said the trust in announcing this year's top 11, "The National Trust for Historic Preservation believes the solutions include getting state level rehabilitation tax credits reinstated, encouraging lawmakers to view heritage resources as assets that can be put to use to drive economic recovery, and supporting state-level advocacy efforts to ensure that preservationists have a voice in their state houses."

Said Stephanie Meeks, president of the trust on this 24<sup>th</sup> Top 11 list

prepared by the organization, "While we hope the list galvanizes support for these 11 endangered places, we also hope it serves as a catalyst for communities everywhere to fight for the irreplaceable landmarks and landscapes that define our past – and enrich our present."

As we have reported frequently this year, states across the country are imposing massive cutbacks in park services, including closures. From New York to Arizona to California state legislatures are facing the inevitable and reducing park and rec budgets, and historic preservation budgets.

California provides a lead example where Gov. Jerry Brown (D) is intent on closing 70 of the state's 278 parks, with a heavy emphasis on small-visitation sites. With a state operating budget deficit of more than \$10 billion the state legislature will almost certainly go along with cutbacks. Even after imposing massive, across-the-board spending reductions,

The National Trust for Historic Preservation noted that historic sites would take a disproportionate share of the California closures. "State historic parks as a rule produce less revenue and bore a larger share of the closings as a result," the trust said in a bulletin to its members.

The federal government may not be much help. Appropriators cut back on historic preservation programs in fiscal year 2011 and promise to do so again in fiscal 2012.

The Historic Preservation line item of the Park Service budget was reduced in a fiscal 2011 appropriations bill (PL 112-10 of April 15) by \$25 million, or \$54.5 million compared to a fiscal 2010 appropriation of \$79.5 million. Much of the decrease came out of the Save America's Treasures program, funded by the line item. It was cut from \$25 million to nothing.

Here are the 11 most endangered historic places, in order of their listing by the trust:

1. Bear Butte in Meade County, S.D.

2. Fort Gaines in Dauphin Island, Ala.
3. Belmead-on-the-James in Powhatan County, Va.
4. China Ally in Hanford, Calif.
5. Greater Chaco Landscape, N.M.
6. Isaac Manchester Farm in Avella, Pa.
7. John Coltrane Home in Dix Hills, N.Y.
8. National Soldiers Home Historic District in Milwaukee, Wis.
9. Pillsbury "A" mill complex in Minneapolis, Minn.
10. Prentice Women's Hospital in Chicago, Ill. and
11. All 50 states.

For additional information go to <http://www.preservationnation.org/>.

## **Senators attack land managers for fire prevention work**

Forest Service Chief Tom Tidwell told the Senate Energy Committee last week that the agency was making progress in treating forests to prevent wild fires. But western Republicans are not convinced.

Ranking minority member Lisa Murkowski (R-Alaska) complained, "Even after every forest supervisor signed a pledge to fully implement the Healthy Forest Restoration Act (of 2003), less than one-third of the projects have been accomplished. I have to believe the failure lies with the land management agencies."

The Healthy Forest Restoration Act anticipated treatment of millions of acres of national forest with such techniques as thinning of trees to limit the size and intensity of wild fires.

Tidwell said June 14 the service has treated millions of acres recently. "Through a combination of mechanical treatment and managed fire, we can improve the health of some fire-adapted ecosystems and prevent heavy accumulations of highly flammable fuels," he told the committee. "In fiscal year 2010, the Forest Service treated over two million acres for hazardous fuels reduction, with the majority in the Wildland Urban Interface. This fiscal year, we have already treated over 900,000 acres."

Committee chairman Jeff Bingaman (D-N.M.) sympathized with Tidwell, saying, "The agencies are successfully employing collaborative, landscape-scale projects that reduce fuels and wildfire costs, and that improve forest and watershed health."

As a backdrop to the hearing, wild fires this year have burned nearly four times as much acreage as at this time last year.

The worst ongoing fires are in Arizona where almost 800,000 acres have burned out of the 4.5 million acres burned nationwide. The worst conflagration is the Wallow Fire in the Apache-Sitgreaves National Forest; it has burned more than 520,000 acres.

Sen. John Kyl (R-Ariz.) told the committee Apache-Sitgreaves areas that had been treated survived the Wallow fire better than areas that had not been treated, and that helped protect the community of Alpine and other communities.

But he said not enough land is being treated with fire prevention techniques, such as thinning. "The problem is, as Sen. Murkowski pointed out, we are treating a drop in the bucket when it comes to the amount of acreage we need to treat," he said.

Despite the fierce beginning to this fire season Tidwell told the committee that the agency has enough money on hand to fight anticipated fires over the next few months. "Suppression money for this year should be sufficient," he said. "Appropriations are similar to last year and we have funding from prior years in case of a worse than expected fire season. Together with the FLAME funds that should be enough to prevent any transfer of any funds from non-fire accounts."

The senators who are now complaining about underfunding are, of course, the same senators who in a fiscal year 2011 appropriations law (PL 112-10 of April 15) rescinded \$529 million of prior year fire fighting appropriations money that had not been used. The money was authorized by the FLAME law, after

the Federal Land Assistance, Management and Enhancement Act of 2009.

The appropriations bill did roughly match the fiscal 2010 levels for all fire programs. The appropriators said the bill appropriated \$3.4 billion for fire programs, with \$981 million for the Interior Department and \$2.46 billion for the Forest Service.

Of that, \$1.7 billion is for suppression (\$384 million for BLM and \$998 million for the Forest Service.) Further, of the suppression money FLAME allocations make up \$352 million (\$61 million to the Interior Department and \$291 million to the Forest Service).

This tough fire year comes after two years of relatively mild fire seasons in the West. The National Interagency Fire Center (NIFC) has from the beginning of the year forecast above average danger from wild fires over the spring and summer months for New Mexico, Arizona and southern Colorado. That has panned out.

But for most of the rest of the West NIFC predicted normal fire seasons for the period.

In a related problem, chairman Bingaman warned that the federal fleet of air tankers is growing old. "The fleet. . . needs to be replaced," he said. "The cost will be substantial and can't be covered in existing agency budgets."

Murkowski said the cost to replace the air fleet would run to \$2 billion and complained agencies were concentrating too much on large tankers, often at the expense of less expensive aircraft, such as helicopters.

"The agency appears to be fixated on one kind of aircraft type and refuses to consider any other alternatives," she said. "Last month Chief Tidwell told me the Forest Service would work to acquire a variety of aircraft but in fact continues to tell people his agency will only acquire aircraft that can carry 3,000 gallons of slurry. So my message to the land management agency is this: Develop a procurement plan to replace the aging aircraft that looks at a

variety of types and sizes of aircraft."

Tidwell said the service would develop an acquisition plan by "the end of the summer."

For more information go to <http://www.nifc.gov>.

## Notes

### **DoI, GOP meet on 'wild lands.'**

According to two senior House Republicans, the Interior Department promised June 22 not to attempt to designate "wild lands" after fiscal year 2011 ends September 30. Congress has already barred spending to implement an Interior Department wild lands program in fiscal 2011. Said Rep. Rob Bishop (R-Utah) after a meeting with top department officials, "Secretary Hayes and Director Abbey reiterated that Secretarial Order #3310 is dead. They both assured me that no administrative action will be taken to designate wild lands now or any time after fiscal year 2011." Bishop chairs the House subcommittee on National Parks, Forests and Public Lands. In December 2010 Secretary of Interior Ken Salazar issued Secretarial Order #3310 that directed BLM to study and designate wild lands. Congressional Republicans objected that only Congress has authority to designate wilderness and in a fiscal 2011 appropriations bill (HR 112-10 of April 15) blocked implementation of the order. On June 10 Salazar launched a new campaign to identify possible wilderness lands in cooperation with Congress. In addition to Bishop House Natural Resources Committee Chairman Doc Hastings (R-Wash.) attended the June 22 meeting with Deputy Secretary of Interior David Hayes and BLM Director Bob Abbey

### **Inhofe objects to DoI choice.**

Sen. James Inhofe (R-Okla.) on June 10 sent a shot across the administration's bow in its choice of Rebecca Wodder, president of the American Rivers environmental group, as assistant secretary of Interior for Fish and Wildlife and Parks. In that post she would set policy for the Fish and Wildlife Service and the Park Service. Inhofe, the ranking Republican on the

committee that will review Wodder's nomination, said, "I have serious concerns about her nomination: she is the CEO of a far-left environmental organization and. . . is also an active proponent of federal regulation of hydraulic fracturing - a practice that is efficiently and effectively regulated by States," he said. Fracking is a mining procedure that frees up natural gas from rock. Inhofe is the ranking member of the Senate Environment and Public Works Committee. Recently he held up the nomination of Dan Ashe as director of the Fish and Wildlife Service. Wodder would replace Tom Strickland, a close associate of Secretary of Interior Ken Salazar, as assistant secretary. Strickland resigned in February. Most of Wodder's career has been spent in the environmental community. She has been president of American Rivers since 1995 and between 1981 and 1994 she worked in several jobs at The Wilderness Society. She also worked for Sen. Gaylord Nelson (D-Wis.) as a legislative assistant on environment and energy matters.

**Another no-fee day held.** Federal land managers held a no-fee day June 21 on the first day of summer. The Park Service and the Bureau of Land Management also plan to waive entrance fees on September 24 (National Public Lands Day) and November 11-13 (Veterans Day weekend). The agencies will not charge standard amenity and day-use fees at recreation sites. They will charge camping, cabin rental and day-use fees. The Park Service also waived fees for January 15-17 (Martin Luther King, Jr. Day) and April 16-24 (National Park Week). Many national park concessioners offer discounts on fee-free days.

**NPS board to meet by phone.** The National Park System Advisory Board will hold a teleconference meeting on June 30. The board has a particularly important agenda - its recommendations on the Park Service on the upcoming 2016 centennial anniversary of the National Park System. For further information contact: *Shirley Sears Smith, National Park Service, 1201 I Street, N.W., 12th Floor, Washington, DC 20005, telephone 202-354-3955. E-mail: [shirley\\_s\\_smith@nps.gov](mailto:shirley_s_smith@nps.gov).*

**Sportsmen urge Gulf aid.** Ducks Unlimited and the National Wildlife Federation held a rally in Washington, D.C., last week to encourage Congress to support a program to use fines from the BP Deepwater Horizon oil spill to restore wetlands. While the spill is not the only cause of the vanishing wetlands along the Gulf Coast, the conservationists see the BP spill as a good place to gain some financial support. They are asking Congress to move legislation to amend the Clean Water Act to allocate some of the fines, estimated at between \$5 billion and \$21 billion, to wetlands restoration, mostly in Louisiana. Ducks Unlimited says that since the 1930s the Gulf has lost wetlands the size of the State of Delaware, or 1,800 square miles. DU also says as many as 10 million waterfowl winter in Gulf wetlands. The groups have set up a website, [www.vanishingparadise.org](http://www.vanishingparadise.org).

**AGO supporters to receive Coleman award.** The outdoor recreation industry usually presents its most prestigious annual honor to one famous American conservationist, but this year is different. The American Recreation Coalition has chosen four Obama administration cabinet members to receive the Sheldon Coleman Great Outdoors Award. They will be cited for their work in support of the America's Great Outdoors (AGO) initiative. The four are Secretary of the Interior Ken Salazar, Secretary of Agriculture Tom Vilsack, White House Council on Environmental Quality Chair Nancy Sutley and Environmental Protection Agency Administrator Lisa Jackson. "These four national leaders have worked to stimulate broad and open public debate, to collect best practices, to explore new ideas, including the linkage between health and the Great Outdoors, and to relate America's Great Outdoors to 21<sup>st</sup> century lifestyles and issues," said Derrick Crandall, president of the industry coalition.

**ARC honors 7 land managers.** The recreation industry group the American Recreation Coalition (ARC) presented awards June 16 to seven federal employees from seven agencies. The 2011 Legends Awards were given

to officials who promote outdoor recreation. The agencies themselves nominate recipients. The winners this year are Tracy N. Fancher, Corps of Engineers; William Kuntz, Bureau of Land Management; Rita Hennessy, National

Park Service; Mark Hoines, Federal Highway Administration; Lynne Beeson, Forest Service; Jennifer Jewett, Fish and Wildlife Service; and Peggi Brooks, Bureau of Reclamation.

## Boxscore of Legislation

<u>LEGISLATION</u>	<u>STATUS</u>	<u>COMMENT</u>
<b>Appropriations 2011 CR Omnibus</b> HR 1473 (Rogers)	President signed into law April 15 as PL 112-10.	Reduces spending across the board compared to fiscal 2010, sometimes substantially. Includes Interior, Energy and Water, Agriculture and Transportation bills.
<b>Appropriations fiscal 2012 (Interior, etc.)</b> No bill yet	Administration proposed its recommendations February 14. House mark-up set for July 6.	Would reduce spending overall but give LWCF full funding of \$900M.
<b>Appropriations fiscal 2012 (Agriculture)</b> HR 2112 (Kingston)	House approved June 16.	Would reduce conservation spending by \$1 billion.
<b>Appropriations fiscal 2012 (Energy and Water)</b> HR 2018 (Frelinghuysen)	House committee approved June 15.	Would block issuance of wetlands permit guidance.
<b>Budget fiscal 2012</b> H Con Res 43 (Ryan) (No Senate bill yet)	House approved April 15.	Would reduce spending overall but keep natural resources level.
<b>LWCF (fed lands access)</b> S 901 (Tester)	Tester introduced May 5.	Would allocate 1.5 percent of LWCF for access to fed lands for rec.
<b>Urban parks</b> HR 709 (Sires)	Sires introduced February 15.	Would provide \$450 million per year to rehabilitate urban parks.
<b>Roadless areas</b> HR 1581 (McCarthy) S 1087 (Barrasso)	McCarthy introduced April 15. Barrasso introduced May 26.	Would reverse Clinton roadless rule, block Salazar 'wild lands' policy, release FS and BLM roadless areas.
<b>National monuments</b> HR 302 (Foxx) HR 758 (Herger) S 407 (Crapo)	Foxx introduced January 18. Herger and Crapo introduced February 17.	Would require state approval of any national monument under Antiquities Act. Herger, Crapo would require Hill approval within two years.
<b>California Desert monument</b> S 138 (Feinstein)	Feinstein introduced January 25.	Would designate a Mojave National Monument and protect 1.6 million acres.
<b>National parks overflights</b> HR 658 (Mica) S 223 (Rockefeller)	House approved April 1. Senate approved February 17,	House tilts towards tour operators and Senate tilts more toward protection.
<b>Ski areas</b> HR 765 (Bishop) S 382 (Udall)	House committee passed June 15. Senate hearing May 18.	Would have FS allow year-round rec activities in ski resorts.
<b>NPS air tour policy</b> HR 658 (Mica) S 223 (Rockefeller)	House committee approved Feb. 16. Senate approved February 17.	Both would revise NPS air tour policy, but bills vary greatly.
<b>Glacier park protection</b> S 233 (Baucus)	Baucus introduced January 31.	Would withdraw from mining 300,000 acres of adjacent national forest.