

# Federal Parks & Recreation

Editor: James B. Coffin

Subscription Services: Celina Richardson

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## House hears pitch from NPS commission; GOP skeptical

A blue ribbon commission on the future of the national parks finally had its day before Congress May 25.

Commission member Vic Fazio lost little time in championing a lead commission recommendation - a national endowment for non-core Park Service activities. It would supplement appropriations for core activities.

Fazio, a former Democratic House member from California, told the House subcommittee on National Parks, "An endowment would provide a perpetual revenue stream for an institution with a mission in perpetuity, enabling donors to give or bequest funds to provide for a range of purposes, . . ."

He said the money could be used for science, scholarships, education, individual projects within the parks and projects outside park boundaries. The money could come from public and private sources, including entrance fees, corporate donations, mineral revenues from public lands and offshore oil and gas royalties, Fazio said.

The Association of National Park Rangers had a different concern. It worried that the report from the National Parks Second Century Commission would sit on a shelf. It said a half-dozen other national reports on the parks of the last three decades were for the most part gathering dust.

On behalf of the association Holly Rife, chief ranger at Catoctin Mountain Park in Maryland, said, "If one reads these various reports from the last three decades one finds very similar, recurring language and recommendations. So, the real questions seem to be how can we move recommendations to actions and outcomes and what motivation might

Congress apply to garner the results it desires?"

If Congress does become involved, she recommended that it enact "carrots and sticks" to make sure NPS follows through. As a bad example she noted that in 1976 Congress directed NPS to prepare management plans, an effort that has often languished.

While the reception given by the House subcommittee to the commission and NPS Director Jon Jarvis was generally warm, some House Republicans were openly hostile. Ranking subcommittee Republican Rob Bishop (Utah) questioned the role of the Park Service in preparing the report that was paid for by the National Parks Conservation Association (NPCA.)

He linked NPS and NPCA to recent assertions that in the Gulf of Mexico oil spill the Minerals management Service (MMS) was too close to the oil and gas industry.

Bishop asked Jarvis, "Do you see yourself having a difficult time aligning yourself with such a political and ideological group (NPCA), particularly in the light of that exact same activity both within NLCS (the National Landscape Conservation System) and MMS?"

Jarvis replied, "I can't speak to NLCS or MMS, but in this particular case I don't see the NPS aligning themselves with the organization that produced the report. I'm more so with the report. I think the recommendations are the product of years of analysis about over the next century where the National Park Service should go."

Bishop asked if the Park Service helped write the report and Jarvis said no. He said individual committees set up by the commission wrote the report in association with National Geographic Society staff and commission executive director Loran Fraser, a former NPS employee.

The National Parks Second Century Commission, chaired jointly by former Sens. J. Bennett Johnston, Jr. (D-La.)

and Howard H. Baker, Jr. (R-Tenn.), presented its report to Secretary of the Interior Ken Salazar on Sept. 24, 2009. Only now is the House subcommittee addressing it. NPCA said it spent about \$1 million on the project.

The commission didn't focus simply on money. It also called for a greater emphasis on education in the parks, guarantees that park policy would be based on independent science, and a greater emphasis on cultural resources.

The Second Century report follows three decades of high-level studies, such as, to quote from the NPS rangers, "The Vail Agenda Report and Recommendations to the Director (1992), the National Park Service Strategic Plan (1997), and the 2001 Rethinking the National Parks for the 21st Century Report. There were also others like the 12-Point Plan - the challenge Report (1985) and the NPS Business Plan Initiative in the early years of the last decade."

Former Rep. Fazio, in his remarks to the House subcommittee, singled out the Land and Water Conservation Fund (LWCF) for particular help. "We would hope that Congress will restore the original intent that LWCF be a mandatory program, and fund it to fully meet its intended purposes," he said. LWCF is subject to annual appropriations and Congress usually appropriates much less than half the \$900 million annual authorization.

Despite Fazio's enthusiasm Jarvis did not mention LWCF in his prepared remarks. However, the Obama administration has requested a significant increase in the fiscal year 2011 appropriation and has promised to fully fund the program in another two years.

For the state side of the program the administration has requested a \$10 million hike, to \$50 million compared to a fiscal 2010 appropriation of \$40 million and for the federal side an \$106 million hike, or \$384.1 million compared to a fiscal 2010 appropriation of \$277.9 million.

At the hearing national park concessioners repeated a couple of ideas they have tried out recently with House appropriators that would produce greater revenues for the parks. The National Parks Hospitality Association (NPHA) would allocate a slice of franchise fees and/or America The Beautiful fees to a campaign to solicit increased visitation, especially by urban Americans and Americans of color.

The fee/visitation proposal would allocate 10 percent of annual franchise fee revenues, or \$7 million, to outreach and marketing. Alternatively, or as a complement to the franchise fees, NPHA recommended that NPS and its partners more aggressively market the America the Beautiful pass to add to the \$175 million the parks now collect from entrance and user fees.

### **NPS warns Arizona that park closures could cost LWCF aid**

The State of Arizona has scrounged up help from local governments and non-profit groups to keep all but five of its 22 parks open this summer. The state had planned to close 13 parks.

But the state is still under the gun from the Park Service. It warned Arizona this spring that closure of state parks could cost the state money from the Land and Water Conservation Fund (LWCF), both from already appropriated and unspent money as well as future appropriations.

NPS Acting Intermountain Region Director Mary Gibson Scott wrote Gov. Janice K. Brewer (R) in April, "Initially, LWCF sanctions will limit Arizona's participation by withholding funding for any new *state-sponsored* projects from the unobligated balance of the State's FY 2009 and 2010 apportionment, and suspending any further reimbursements for previously approved state-sponsored projects." (Scott's emphasis.)

Further, said Scott, failure to keep open state parks established in part with LWCF money could violate the

terms of the law, which require such units to be operated in perpetuity as parks.

The State of Arizona is of course between a rock and a hard place. It does not have enough money to keep parks open, but if it closes the parks it may be threatened by legal action, not only from the Park Service but from other park customers.

When the State of California went through a similar parks closure episode a year ago, an internal California State Parks memo suggested that the proposed closure of more than 100 state parks could cost more than it would save.

The 11-page California memo said the closure would make the state liable for any injury in a closed park, make the state vulnerable to lawsuits from concessioners for breach of contract, and force the state to prepare costly environmental analyses prior to closing parks, among other things. Eventually, the state found the money to keep the parks open.

During the California crisis then NPS Pacific West Regional Director Jon Jarvis, now NPS director, weighed in with a letter to the state similar to Scott's warning that California would lose LWCF money. Jarvis also warned California that it could lose the six parks it obtained from a Federal Land to Parks Program. That is, the parks would revert back to the federal government.

The nationwide state budget problems and their impact on state parks are finally drawing national attention. The National Trust for Historic Preservation last month put state parks at the top of its annual 11 most endangered historic places list. The trust included all state parks in the designation. All the other 10 endangered places were specific sites.

Said the National Trust, "This year nearly 30 states have experienced cuts to parks' and sites' budgets, and a recent survey estimates as many as 400 state parks could close. While providing some short-term budget relief, this

approach will actually cost states far more in the long term."

That is the fix Arizona is in. In fiscal year 2008 (beginning July 1) the Arizona state parks appropriation from the legislature was \$28 million. For fiscal year 2010 (the existing fiscal year) the appropriation was \$19.3 million. But the legislature has subsequently "swept" \$10.6 million out of that, leaving \$9.7 million, or less than one-third of the fiscal 2008 appropriation.

Earlier this year the state decided to close 13 of its 22 state parks. However, since then the state has found partners to contribute to keep all but five of the parks open. Most of the parks slated for closure, 11 of them, have received LWCF money, said Scott. To be closed are the Homlovi Ruins, Jerome, McFarland and Oracle State Parks. A fifth, San Rafael, has not been opened.

At least one legislator asked the Park Service to take over any parks proposed for closure. "If Gov. Brewer closes parks, the National Park Service must quickly move to take over parks created or supported with federal funding. The people of Arizona want parks open and would applaud," said Arizona State Representative Daniel Patterson. He is also southwest director for Public Employees for Environmental Responsibility.

Like many states overwhelmed by the budget crisis, Arizona is turning for help to local governments, whose park systems haven't been hit quite so hard. Other states are considering contracting out to private concessioners. And still others may lease parklands for commodity development, such as oil and gas development.

NPS's Scott advised Arizona that closing parks is not a wise choice in a recession. "We believe the public has no less need for recreational opportunities and access to public open space in times of economic hardship. Rather, the need for recreational opportunities is greater now, . . ." she said.

## Obama administration: New heritage area standards first

Like the Bush administration before it and the Clinton administration before that, the Obama administration is asking Congress to hold off on the designation of new heritage areas until national standards are in place.

NPS Director Jon Jarvis enlarged on that May 25 in a hearing on the National Park System before the House subcommittee on National Parks. Jarvis said he was concerned that the current non-system for designating national heritage areas (NHAs) - i.e. at the whim of Congress - may not be sustainable.

"We want to make sure that there is local governance, local structure and a revenue stream to make sure these things can be maintained," he said in response to questions from Rep. Niki Tsongas (D-Mass.) "What we are asking is that prior to legislation going forward let us evaluate and make a recommendation in terms of how that local governance would be established."

Even if the administration does ask Congress to wait, Congress does not have to. Indeed Congress has approved dozens of NHAs since the Clinton, Bush and Obama administrations have asked it to first pass national standards legislation.

Despite its request for a moratorium, the administration says NHAs are a good thing, as does a blue ribbon citizens' panel called the National Parks Second Century Commission. As Jarvis told the subcommittee, "The Second Century Commission recommends the enactment of program legislation creating a system of national heritage areas, and establishing a process for studying and designating them in a uniform manner. The National Park Service agrees with this recommendation, and believes that it would strengthen the ability of the Service to provide assistance to local efforts where appropriate."

Heritage areas usually consist of a mix of public and private lands with

striking social, economic, historical and natural features that don't in their entirety rise to the level of national parks. Indeed, some NHAs do actually include national park units. Management of the areas usually falls to a non-profit group or local governments or a mix, but not the Park Service.

Once Congress designates an NHA, the Park Service works with local public and private partners to prepare a management plan. And NPS provides technical assistance. A new fiscal year 2010 appropriations law provides \$16.8 million for NHA grants. The administration has requested \$8 million for fiscal 2011.

Congress has designated 49 NHAs in 32 states. Most recently, it established ten new NHAs in an omnibus public lands law (PL 111-11 of March 30).

The new NHAs included a Sangre de Cristo National Heritage Area, Colorado; Cache La Poudre River National Heritage Area, Colorado; South Park National Heritage Area, Colorado; a Northern Plains National Heritage Area in North Dakota; Baltimore National Heritage Area, Maryland; Freedom's Way National Heritage Area, Massachusetts and New Hampshire; Mississippi Hills National Heritage Area; Mississippi Delta National Heritage Area; Muscle Shoals National Heritage Area, Alabama; and the Kenai Mountains-Turnagain Arm National Forest Heritage Areas in Alaska.

This year Senate Energy Committee leaders intend to assemble another omnibus bill, and once again a number of individual NHA bills are candidates.

However, as recently as May 19, the Obama administration asked the committee to postpone action on a Susquehanna National Heritage Area (S 349) in Pennsylvania until it could submit a national standards bill. NPS Associate Director for Park Planning Stephen E. Whitesell told the committee that the heritage area policy is "waiting on further discussions with the Office of Management and Budget."

At the House subcommittee hearing

on the Park Service May 25, Rep. Donna Christensen (D-V.I.) asked Jarvis if the administration recommendation that Congress wait on a policy recommendation precludes Congressional action. He acknowledged that, essentially, Congress can do what it wants with regards to new heritage areas.

To the preclusion question, he said, "No, the current system really isn't a system right now. New heritage areas come through Congress and are created. What our concern has been is that they are sustainable, that there is appropriate infrastructure in place and governance at the local level and that they will eventually be successful."

## **Health care advocates seek major lifestyle set-aside**

An alliance of physicians and the recreation establishment, playing off the new health care law, is urging the Department of Health and Human Services (HHS) to greatly expand healthy lifestyle programs.

As a starter the alliance, called Healthy Measures, would have HHS follow the example of a federal surface transportation law, which allocates 10 percent of Surface Transportation Program money for transportation enhancements. Most of that money goes to trails.

"It is time for a similar step in health care," said Healthy Measures in comments on a health law provision dealing with something called medical loss ratios. "Health care issuers should be required to invest a minimum of two percent of collected premiums in qualifying preventive/health lifestyles promotion programs."

The medical loss ratios program, included in Section 2718 of the big new health law (PL 111-148 of March 23), is supposed to penalize health care providers who spend an excessive amount of insurance payments on overhead.

Healthy Measures, which grew out of an Institute of the Golden Gate in San Francisco in April, encourages HHS

to include under healthful living such things as "prescriptions" to use local trails and recreation facilities. And it would have HHS recognize frequent walker miles. The presumption is the health care provider would have to spend less money on, if its clientele were fitter.

"Seventy percent or more of the nation's health care expenditures are now directed at chronic illnesses largely resulting from lifestyle choices," Healthy Measures wrote HHS last month.

Nationally known physicians Michael Suk of the University of Florida and Daphne Miller of the University of California at San Francisco are the lead organizers of Healthy Measures.

In a second initiative not directly related to the health care law, Healthy Measures is providing input to an Office of Personnel Management (OPM) plan to improve lifestyles of federal employees. Healthy Measures is offering its assistance to health insurance companies to comply with the OPM plan. As with the HHS letter Healthy Measures is promoting "park prescriptions," such as guides to local trails and recreation areas for exercise.

*FPR* reported in the April 23 issue on a separate section of the health care law called Community Transformation. It could provide park and rec programs with a piece of a \$15 billion pot of money. The law says state and local governments and nonprofits may apply to the Center for Disease Control for grants to carry out a number of preventive measures, relating to "infrastructure or programs to support active living."

The program would provide \$500 million in fiscal year 2010 (this fiscal year) and the annual allocation would grow gradually to \$2 billion by fiscal 2015. Section 4002 of the health law (PL 111-148 of March 23) establishes the fund, topped off at \$15 billion over 10 years. And Section 4201 of the law describes Community Transformation Grants that set conditions for distribution of the money.

The transportation enhancements program receives more than \$500 million per year from Surface Transportation Program money generated by the Highway Trust Fund. Healthy Measures is not asking for a slice of federal money for preventive health measures such as recreation areas, but it is calling on health insurers to spend two percent of their premiums to help prevent illness. How much money that would be is unclear.

## Secretary Vilsack renews forest roadless directive

Secretary of Agriculture Tom Vilsack May 28 renewed an interim directive that gives him authority to approve activities in national forest roadless areas, just as a previous directive expired. But he did not expand it to include post-2000 roadless areas.

Under the previous one-year directive Vilsack authorized 21 activities in national forest roadless areas, including a dozen mining operations.

The administration has not forged a new roadless area rule because it is waiting for federal courts to resolve competing rulings. "While the courts continue to wrestle with roadless policy, I will continue to work with the USDA Forest Service to ensure we protect roadless areas on our National Forests," Vilsack said last week.

An alliance of hunters and fishermen praised Vilsack. Said Joel Webster, associate director of campaigns for the Theodore Roosevelt Conservation Partnership Center for Western Lands, "The future of public-lands hunting and fishing depends on roadless policy that safeguards fish and wildlife habitat. The 2001 roadless rule is the strongest option for conserving our backcountry legacy and outdoor traditions."

The Center for Biological Diversity last month asked Vilsack to both renew his directive and to beef it up. The center would extend the sweep of the directive beyond the 58 million acres of roadless areas included in a 2001 Clinton administration roadless rule to

include roadless areas identified in forest plans since 2001.

"Because many of the initial forest plan revisions, and identification of additional (roadless areas), has occurred in eastern national forests, we believe this issue has not received the national attention it deserves," Mollie Matteson, conservation advocate for the center, wrote Vilsack and Forest Service Chief Tom Tidwell May 21.

But the new directive continues to limit the secretary's authority to roadless areas designated in November 2000, and leaves out roadless areas designated by subsequent forest plans. "We were disappointed he didn't address this issue," Matteson told us, "since we raised it to them last year."

The legal situation is up in the air because on June 16, 2009, U.S. District Court Judge Clarence Brimmer in Wyoming held the Clinton rule illegal, but the Ninth U.S. Circuit Court of Appeals had earlier held the rule legal. The ball right now is in the hands of the Tenth U.S. Circuit Court of Appeals, which is reviewing Brimmer's decision.

The Department of Agriculture last week said "a decision on that case could come any day."

There are hints that the Tenth Circuit will side with Brimmer. In oral arguments in March, Senior Judge Stephen Anderson reportedly said he suspected the Clinton administration issued its rule to lock up lands before leaving office. "It sure looks like it," Anderson said, according to the Denver Post. That would suggest that Anderson would have the Tenth Circuit disagree with the Ninth Circuit.

Vilsack jumped into the breach between the two sets of courts on May 28, 2009, and assumed authority to decide on proposed activities in roadless areas. And he has said that if federal courts don't resolve their disagreements about roadless areas, the Forest Service would write a new rule.

If the courts don't support the

Clinton rule and the Obama administration doesn't act, Congress may become involved. Sen. Maria Cantwell (D-Wash.) and Rep. Jay Inslee (D-Wash.) introduced legislation (HR 3692, S 1738) Oct. 1, 2009, that would reinstate the Clinton rule. Twenty-five senators have cosponsored the Senate bill and 152 House members the House bill.

## House GOP trying again to obtain DOI monuments papers

House Natural Resources Committee Republicans put chairman Nick Joe Rahall (D-W.Va.) on the spot last week with a new resolution (H Res 1406) seeking national monument documents.

Instead of casting a wide net to obtain thousands of documents, at they did earlier this spring, the Republicans are focusing on just one document, an Interior Department internal review of 14 possible national monuments. And Rahall last month said he could support the targeted request, although not the sweeping request.

So this time ranking committee Republican Doc Hastings (Wash.) and ranking House subcommittee on National Parks Republican Rob Bishop (Utah) are seeking only pages from the department document. They have pages 15-to-21, but are also asking for pages 1-14 and pages 22 on.

When the Republicans sought the documents last month, Rahall's opposition may have proved decisive. By a close 22-to-20 vote the committee rejected the earlier resolution (H Res 1254.)

Under House rules the committee now has 14 days to report the new resolution, H Res 1406, to the House floor. If the committee does not, the sponsors may take the resolution directly to the floor. Of course Rahall could pass on committee action and leave the situation for the full House to resolve.

The Republicans received support June 1 from an association of retired Forest Service and Bureau of Land Management (BLM) employees. The Profes-

sionals for Managed Recreation wrote Secretary of Interior Ken Salazar and urged him to give up the document.

"While you have indicated that the development of the leaked document was part of a 'brainstorming session,' it is apparent that many affected constituencies believe the development of the document was far more than that," wrote the association in a letter signed by former Forest Service official Tom Crimmins. "As a result, we encourage you to release the full Treasured Landscape Initiative document and any other relevant documents appropriate for release."

Hastings and Bishop launched the monuments controversy in February. They released a seven-page Interior Department document that indicated the Obama administration "is considering" the acquisition of billions of dollars of land, all for BLM. In addition the Republicans say the document indicates Interior is considering the designation of 14 new national monuments on BLM land.

Since then Secretary of Interior Ken Salazar has repeatedly assured Congress and the public that the document was for internal planning purposes only. He has also said the Obama administration would follow a public process before the White House designates more national monuments.

The 14 possible monuments are located in Arizona (1), California (4), Colorado (1), Montana (1), Nevada (1), New Mexico (2), Oregon (1), Utah (2) and Washington (1). The Interior document says 1,618,140 acres would be involved, including 397,210 acres of state and private land. Acquisition of the land would cost more than \$2 billion.

The administration did respond in part to the demands of Hastings and Bishop on May 4, the night before the committee considered the first Republican resolution. It forwarded 383 pages of materials related to the request.

But, complained Hastings, "(A)fter reviewing the pages (provided) I am more

alarmed than ever by the administration's refusal to come clean on their plans for new national monuments." Hastings said that while the Interior Department provided 383 pages it (1) withheld 2,000 more and (2) provided no attachments to E-mails.

When the first resolution came before the House committee, Rahall said, "If the pending legislation was limited to the matter contained in the first paragraph (just the initial document), I would be making a motion to report the resolution favorably."

The committee Republicans have now called Rahall's bluff and confined their new resolution to requesting just the one document.

## **Enviros prod EPA on reducing haze over national parks**

Concerned that states will fail to meet a January deadline for regulating pollutants that drift over Class I national parks and federal wilderness areas, environmental groups are pressing EPA to issue its own tough rules.

Sixteen conservation groups wrote EPA May 20 and asked it to establish regional haze plans "that provide the full degree of visibility protection for Class I areas as required by law." The conservationists then laid out for EPA the substance they expect from federal plans.

"Basically, we understand that about 25 states have yet to submit plans," said Stephanie Kodish, clean air counsel for the National Parks Conservation Association (NPCA.) Along with the Sierra Club NPCA is leading the conservationist drive.

"Under the law if a state fails to submit an implementation plan, the federal government needs to write a federal plan, and that takes time," said Kodish. "EPA has to draft a plan, then publish it in the Federal Register, take comments on the plan and then consider those comments in a final plan. That all takes time."

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

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

Thus far only about half the states are believed to have submitted plans. The plans are supposed to compel coal-fired power plants and other industrial polluters to adopt best available retrofit technology.

In their May 20 letter to EPA Assistant Administrator Gina McCarthy, environmentalists faulted the proposed SIPs of the states that have submitted them. For instance, the environmentalists said that a Washington State proposal would "take 323 years to reach the visibility goal at Olympic (National Park)." Similarly, they said Minnesota would take 113 years to clean up air over Voyageurs National Park.

Environmentalists' main targets are coal-fired power plants. As Mike Eisenfeld, New Mexico energy coordinator for San Juan Citizens Alliance, said, "Our region's two biggest coal-fired power plants, the Four Corners Power Plant and the Navajo Generating Station, contribute the most haze over the greatest number of parks and wilderness areas of any other pollution source in the country. Regional haze from industrial sources continues to increase in the Four Corners region, where it also harms the public's health."

In their letter to EPA's McCarthy, the environmentalists asked for a list of states that have submitted proposed

SIPs, a list of proposed SIPs that have been published in the Federal Register, the date by which a proposed SIP must be published in order to make the January deadline and the date EPA intends to complete SIPs or, if the states haven't acted in time, issue a federal plan.

## **Senators ask for hearing on repeal of fed rec fees**

The two Democratic senators and the two Republican senators who introduced legislation last year to repeal a federal recreation fee law are urging the Senate Energy Committee to take action on it.

They wrote committee leaders recently and asked them to put their bill (S 868) on the committee agenda. "We hope that the Committee will undertake a review of this legislation at the earliest possible opportunity," the four senators wrote. The four are Montana Sens. Max Baucus (D) and Jon Tester (D) and Idaho's senators Mike Crapo (R) and James E. Risch (R.)

The committee, chaired by Sen. Jeff Bingaman (D-N.M.), has no plans to consider the bill in June. But a committee staff member would not rule out a hearing and mark up this year. "I'm sure that if there is the time, the committee will consider a hearing," he said.

Bingaman had scheduled a hearing in April 2008 of the last Congress for a predecessor bill, but canceled it because of a scheduling conflict. At that time Bingaman had not taken a position on the measure, preferring to hold a hearing first.

If the bill did get through the committee, it would by definition become a candidate for inclusion in an omnibus lands bill that Bingaman said he would like to assemble this year. Such a measure would include individual bills that the committee has approved.

The Obama administration has yet to weigh in on S 868, a factor that could influence the committee's deci-

sion. And, in tough economic times, the administration may not be willing to give up the \$67 million per year in fees the Forest Service collects and the \$19 million per year the Bureau of Land Management collects.

The Park Service would feel minimal impacts from a repeal because the measure would not affect the agency's authority to charge \$173 million per year in entrance fees.

Critics of the law such as the Western Slope No-Fee Coalition charge that federal agencies have become too eager to make money from fees at the public's expense. Agencies retain 80 percent of fees. The Federal Lands Recreation Enhancement Act (FLREA) was enacted in Dec. 8, 2004, as PL 108-447.

The critics maintain that federal land management agencies - the Forest Service in particular - have gone overboard in collecting entrance fees to broad areas that include developed sites. The law authorizes entrance fees at developed sites but not in the larger areas, say the critics.

The House subcommittee on National Parks held a hearing on the repeal proposal on June 18, 2008, at which time the Bush administration defended the law and its implementation of the law.

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

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

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

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

- \* eliminate a multi-agency American Passport and reinstate the old Golden Eagle and Golden Age Passports

charged by the Park Service, and

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

FLREA established a permanent program that included authority for federal land management agencies to collect user fees; the Park Service and the Fish and Wildlife Service to collect entrance fees; the Forest Service, the Bureau of Land Management and the Bureau of Reclamation to collect access fees to developed recreation sites; and all agencies to sell and honor the new All-American Passport.

## **Obama says Gulf spill argues for climate change measure**

It's still a long shot, but the Gulf of Mexico oil spill may provide impetus for Congress to approve climate change legislation this year.

President Obama himself is repeatedly making the link between the spill and a new draft Senate bill from Sens. John Kerry (D-Mass.) and Joseph Lieberman (I-Conn.)

After meeting with Senate Republicans May 26, Obama said, "And we've got to stop subsidizing those industries that are not going to lead us to the future. Now - so I said to the Republicans, join with me. There's been some good work done by John Kerry and Joe Lieberman and Lindsey Graham. Let's go. Let's not wait." Sen. Graham (R-S.C.) helped craft the draft bill but did not follow through with an endorsement of it.

The Senate Environment and Public Works Committee (EPW) has not begun hearings on the Kerry-Lieberman effort yet. The committee did approve a previous climate change bill (S 1733) on Nov. 5, 2009. That measure is similar to a bill (HR 2425) the House approved June 26, 2009. Those bills have not advanced in the Senate because of opposition from Republicans and centrist Democrats.

In a related development transportation interest groups wrote Kerry and Lieberman recently to protest a provi-

sion of their draft bill that would assess pollution fees (also called taxes) on motor fuels. The groups argue the fees - as much as \$19.5 billion per year - would make it politically impossible for Congress to also charge new gasoline taxes to pay for surface transportation programs.

"This significantly undermines the user fee principle for financing federal transportation improvements that has served our nation and our economy well for more than 50 years," said 22 interest groups, such as the American Highway Users Alliance and the Laborers' International Union of North America.

Said John Horsley, executive director of one of the groups, the American Association of State Highway Transportation Officials, "Our concern is that the proposal they've made would preclude action to move forward with vital highway and transit authorizing legislation. It would divert revenues away from transportation and make it impossible to pass the next six-year bill."

Putting pressure on the Senate to act is the Obama administration's EPA. It published final regulations May 13 that require entities that produce 100,000 tons or more of carbon pollutants to obtain permits. The regulations will kick in for operations that now hold permits on Jan. 1, 2011, and for new operations on July 1, 2011.

The natural resources management provisions in the Kerry-Lieberman bill closely approximate the House-passed bill and the Senate EPW bill. All would revise fundamentally management priorities on federal and nonfederal lands to emphasize adaptation to climate change.

The bills would have every federal agency or department complete a plan to comply with standards in the legislation, or standards set by a climate change panel established by the legislation. State agencies would be in the same boat.

In addition the bills would establish a Natural Resources Climate Change

Adaptation Fund that would provide billions of dollars to protect natural resources.

In a major difference from the House bill, the Kerry-Lieberman bill and the Senate EPW committee bill would guarantee money in the fund. The House would subject distribution of the money to appropriations in annual spending bills.

## **Assaults on NPS and FS officials jump in 2009**

The Park Service and the Forest Service recorded the greatest number of assaults on officials last year in the last decade.

While one conservation group saw an anti-government trend at work, not everyone does.

According to incidents reports assembled by the environmental group Public Employees for Environmental Responsibility (PEER), the Park Service recorded 158 assaults on law enforcement officials last year, far above the previous record of 111 in 2004.

The Forest Service recorded 427 assaults, just above the previous record of 418, again in 2004. (However, the Bureau of Land Management and the Fish and Wildlife Service have both recorded a number of years with higher incidents of assaults than in 2009.)

PEER Executive Director Jeff Ruch attributed the increase in attacks to a general anti-government attitude in the land, but he refused to attribute it to the conservative Tea Party movement. "No," he said of the Tea Party influence. "I think things go in cycles and right now there is low general regard for public servants. Some of this is political. Some is personal. And sometimes alcohol and drugs are involved."

The chairman of the executive council of the Coalition of National Park Service Retirees, Rick Smith, was not ready to declare a trend. "The PEER news release that I saw attributed it to

anti-government feelings but I don't know of any hard evidence that would point to that," he told us. "NPS protection personnel have always had one of the highest incidence of assaults and threats in the Federal law enforcement community."

Smith said he worked last year as a volunteer at the Museum of the National Park Ranger in Yellowstone and saw little evidence of animus.

"I didn't hear of any attacks or threats against rangers while I was there, and most of the visitors who came to the Museum seemed to genuinely care about Yellowstone and felt the parks were examples of wise government action," he said. "We will have to wait until next year to determine if last year was an anomaly or whether there is a trend developing."

PEER's Ruch said he was miffed that the Park Service only recorded assaults on law enforcement officials, and not on all employees. "NPS still only collects data on assaults on non-law enforcement officials," he said.

A Park Service spokesman responded, "The reason we publish a report on assaults on law enforcement is because that is what we're required to do for the FBI."

The NPS law enforcement office did advise the spokesman, "We are moving toward implementation of an improved reporting system (IMARS). IMARS will be online with 500 users in six months, and fully online in 18. This will give us a greater ability to review individual cases where rangers are assaulted. Right now, we don't do that."

Assaults on federal employees have always concerned land managers and the public at large. In 2009 the 158 assaults on NPS law enforcement employees represents a 339 percent increase over the 36 in 2008. The Forest Service's tabulation of 427 assaults in 2009 represented a 33 percent increase over the 322 in 2008. The Forest Service records all assaults.

## Notes

**Gulf parks still oil free.** The national park most threatened by the BP Deepwater Horizon oil spill - Gulf Islands National Seashore - is still free from visible contamination. But the Park Service continues to deploy teams to monitor the park's beaches. "At this time we don't have any oil on the beach and everything is open," said an NPS spokeswoman this week. Other national parks in the Gulf are in the same situation - free of oil but closely monitoring the water and beaches for pollutants. NPS says the spill threatens seagrass beds, which are nurseries for fish, crustaceans and turtles; salt marshes, which provide a buffer that protects the mainland; mangroves, which also provide a buffer for the mainland; and all manner of historic structures, such as shipwrecks, Civil War defenses and archaeological sites. Gulf Islands is made up of barrier islands and the coast itself in the Gulf off Mississippi and Florida. The second most endangered NPS unit is Jean Lafitte National Historical Park & Preserve in Louisiana. Depending on the currents and winds, potentially endangered in Florida are the De Soto National Monument, Everglades National Park, Dry Tortugas National Park, Big Cypress National Preserve and Biscayne National Park. Going west from the spill Padre Island National Seashore in Texas could be affected.

**Great Outdoors month busy.** June is annually the Great Outdoors Month. This year Great Outdoors Month will have added importance. For one thing President Obama linked a Presidential Proclamation designating Great Outdoors Month to his America's Great Outdoors Initiative to connect Americans to the outdoors. The initiative this week hosted its first town hall in Montana. The initiative has been collecting suggestions since the President kicked it off April 16. In a second development First Lady Michelle Obama unveiled a new website, [www.letsmove.gov](http://www.letsmove.gov), designed to get youths outdoors. In a third development the Park Service and other agencies this weekend will waive entrance fees in the first fee-free weekend of

the year. In addition numerous advocates of trails, hunting and fishing and more recreation pursuits will mark the Great Outdoors Month with special events.

**Outdoors on economic outside.** The House approved a \$116 billion economic stimulus bill (HR 4123) May 28 that includes few - if any - provisions for park and recreation programs. The stimulus measure has been bouncing around Congress for six months. It now goes back to the Senate. HR 4123 concentrates mostly on taxes, unemployment benefits and Medicare payments. The House first passed the bill Dec. 7, 2009, and the Senate on March 10.

**Bingaman asks Valles Caldera park.** Sens. Jeff Bingaman (D-N.M.) and Tom Udall (D-N.M.) introduced legislation (S 3452) May 27 to transfer the Valles Caldera National Preserve in New Mexico from a trust to the National Park System. When Congress designated the preserve from 88,900 acres of National Forest System land in 2000, it transferred management to a Valles Caldera Trust with the idea the trust could raise enough money to be self-sustaining. But, said Bingaman, who chairs the Senate Energy Committee, the trust needs to come up with \$15 million for construction and maintenance and he doubts that will happen. So, he said, "I believe the National Park Service is best suited to manage the preserve while ensuring its long-term conservation."

**Rec participation up in 2009.** The Outdoor Foundation said last month that Americans six and older increased outdoor activities in 2009 by 3.3 percent over 2008. However, the foundation said the vast majority of people in its sample said they actually spent less on recreation in 2009. Only 4.5 percent said they spent more. Overall, the foundation said 77 percent of Americans participated in at least one outdoor activity, but that still left 64 million on the couch. The *2010 Outdoor Recreation Participation Topline Report* is available at the Outdoor Foundation website, [www.outdoorfoundation.org](http://www.outdoorfoundation.org). The Outdoor Foundation is a nonprofit organization that conducts research for the powered recreation industry and runs

outreach and educational programs.

**Yosemite visitor center sought.** Rep. George Radanovich (R-Calif.), the man who represents Yosemite National Park in Congress, introduced legislation (HR 5405) May 26 that would authorize the acquisition and construction of a new visitor center adjacent to the park. The center would be located on 18 acres of purchased land near the Arch Rock entrance to Yosemite in Mariposa County. Although the bill would authorize the expenditure of "federal funds," Radanovich said his bill "does not authorize direct spending."

**GOP asks sale of federal land.** Rep. Jason Chaffetz (R-Utah) and six of his western Republican colleagues introduced legislation (HR 5339) May 19 that would have the Bureau of Land Management (BLM) sell 3.3 million acres of public land within four years, or tell Congress why it was unable to sell the land. The 3.3 million acres were identified as suitable for sale in a 1997 Clinton administration report. Environmentalists have consistently resisted the wholesale disposal of federal lands, so the Republican bill probably won't go anywhere. But it does give the Republicans a marker for the future and a campaign tool for now. Said Chaffetz, "While there are national treasures worthy of federal protection, there are lands that should be returned to private ownership. If the land serves no public purpose, and is 'identified for disposal' let's return it to private ownership."

**San Juan bill not dead yet.** The Southern Utah Wilderness Alliance (SUWA) says it has been assured by the staff of Sen. Bob Bennett (R-Utah) the senator has not given up on developing a San Juan County lands bill this year. Bennett lost the Republican nomination for his seat May 8, but he may still run as an independent. SUWA said in a May 21 bulletin to its members Bennett "remains committed" to moving a bill this year. If the measure does not move, SUWA believes Bennett will attempt to lay the foundation for his successor to pursue a bill. The San Juan County bill may become a lead piece of an omnibus lands bill the Senate Energy Committee

intends to develop. The omnibus bill is expected to follow the pattern of an omnibus lands bill of last year (PL 111-11 of March 30, 2009) that included a big Washington County, Utah, bill. The Washington County bill, also written by Bennett, designated 256,338 acres of wilderness, designated two national conservation areas, designated 165.5 miles of the Virgin River as wild and scenic, and authorized the sale of significant tracts managed by BLM. San Juan County lies in the southeastern corner of Utah.

#### **Congress approves Udall building.**

The Senate gave final Congressional approval May 25 to legislation (HR 5128) that would designate the Interior Department headquarters building in Washington, D.C., as the Stewart Udall building after the former secretary of Interior. The Senate approved the bill without a formal vote. The House approved the bill May 20. Rep. Don Young (R-Alaska), former chairman of the House Natural Resources Committee, was the sole no vote in a 409-to-1 House tally. Udall died at 90 March 20 after a fall at his home in Santa Fe, N.M. He served as secretary of Interior during the Kennedy and Johnson administrations in the 1960s. During his watch Congress passed the Wilderness Act, the Land and Water Conservation Act, the National Historic Preservation Act, the Wild and Scenic Rivers Act and the Endangered Species Act. After leaving the department he continued to champion protection of the nation's wild lands. Stewart Udall was the older brother of former Rep. Morris Udall (D-Ariz.), who made a run at the Presidency. Stewart Udall was also the father of Sen. Tom Udall (D-N.M.)

#### **Historic pres chair selected.**

President Obama has appointed a veteran of the California historic preservation wars, Milford Wayne Donaldson, as the new chairman of the Advisory Council on Historic Preservation. Donaldson is presently the State Historic Preservation Officer for California. He has been selected for a four-year term. The Advisory Council on Historic Preservation oversees federal land management agency reviews of the impact of activities on historic properties. The coun-

cil consults with the agencies, but does not have a direct veto of projects. Donaldson will succeed John Nau, a Bush administration selection, who has chaired the council since 2001.

## **Conference calendar**

### JUNE

11-15. **U.S. Conference of Mayors** annual meeting in Oklahoma City, Okla. Contact: U.S. Conference of Mayors, 1620 I St., N.W., Fourth Floor, Washington, DC 20006. (202) 293-7330. <http://www.usmayors.org>.

27-29. **Western Governors' Association** annual meeting in White Fish, Mont. Contact: Western Governors' Association, 1515 Cleveland Place, Suite 200, Denver, CO 80202. (303) 623-9378. <http://www.westgov.org>.

### JULY

14-16. **The International Convention of Allied Sportfishing Trades** in Las Vegas. Contact: American Sportfishing Association, 225 Reinekers Lane, Suite 420, Alexandria, VA 22314. (703) 519-9691. <http://www.asafishing.org>.

16-20. **National Association of Counties** annual conference in Reno, Nev. Contact: National Association of Counties, 440 First St., N.W., 8th Floor, Washington, DC 20001. (202) 393-6226. FAX (202) 393-2630. <http://www.naco.org>.

### AUGUST

2-6. **National Speleological Society** annual meeting in Essex Junction, Vt. Contact: National Speleological Society, 2813 Cave Ave., Huntsville, AL 35810-4331. (256) 852-1300. <http://www.caves.org>.

2-10. **Outdoor Retailer Summer Market 2010** in Salt Lake City. Contact: Outdoor Industry Association, 4909 Pearl East Circle, Suite 200, Boulder, CO 80301. (303) 444-3353. <http://www.outdoorindustry.org>.

12-16. **American Fisheries Society** annual meeting in Pittsburgh. Contact: American Fisheries Society, 5410 Grosvenor Lane, Suite 110, Bethesda, MD 20814-2199. (301) 897-8616. <http://www.fisheries.org>.