

# Federal Parks & Recreation

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## Arizona state parks struggle economically; are not alone

The economic crisis facing state parks is going from bad to worse, with managers forced to close parks across the country.

Some states are turning to local governments for help. Local park systems haven't been hit quite so hard as state parks. Other states may hire private concessioners. And still others are leasing parklands for commodity development, such as oil and gas.

The poster child for budget problems is Arizona. It is in the process of closing 13 state parks, leaving only nine open. And that doesn't count the four already shuttered. On March 17 the Arizona State Parks Board is due to meet to consider even further spending reductions.

"They are going to go through the budget again to find out how much is left," said a spokeswoman for Arizona State Parks, Ellen Bilbrey.

She broke down the numbers for us. In fiscal year 2008 (Arizona's fiscal year begins on 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.

Rich Dolesh, public policy director for the National Recreation and Park Association, said the Arizona situation is an extreme example of the budget problems hitting all states. "In virtually every state revenues are in decline drastically," he said. "Income taxes, sales taxes and general fund revenues

are declining and most states have balanced budget laws."

Continued Dolesh, "Parks are on the front line and are seen as less essential services, so they are first to take a whack. Local governments and local park systems proportionately appear to be better off. State parks appear to be in far worse shape."

Indeed some cities in Arizona are stepping up to operate state parks that have been closed or are about to be closed, said Bilbrey. Those state parks often generate revenues for the communities, thus the willingness of local governments to help finance them.

In general parks around the country that appear to be surviving are those that host active recreation and can charge fees, i.e. make a little money. "The parks and rec areas that are most at risk are cultural and historical sites," said Dolesh. "They have no chance to produce revenues. They don't have the visitation to produce revenues. They have higher maintenance costs."

Private businesses are becoming involved in the crisis, either as potential managers of park and rec sites or as commodity groups that will pay to use parklands.

Warren Meyer is much in demand. He is president of Recreation Resource Management, which manages more than 175 recreation facilities in national forests, national parks and state parks. "We're getting overwhelmed with calls from states and communities," he told *FPR*. "They say, 'Please come out and take a look and see what can be done.'"

Meyer's company already operates concessions in state parks in Arizona, California and Texas, such as stores, bike rentals and other specific services. But the company does not operate entire state parks, yet, as it does with Forest Service campgrounds.

Meyer is talking to the State of Arizona. "I said I would keep at least six of the state parks open with the

fees they are charging now," he said. "I would do it for short of a year until they got back on their feet. It's on the table. I've made an offer."

But Arizona State Parks is not sure it wants to do that. "No," said spokeswoman Bilbrey. "Towns and communities will get the first opportunity, along with nonprofits. Those parks generate revenues for the community. Outside companies generate money for the companies."

Meyer defended his company, saying it was not "rapacious," his word. He added, "We'll do what they want us to do. We've run Forest Service recreation areas as the public wants them run. If the public wants to keep areas primitive, we'll keep areas primitive. I think we can run them less expensively."

In Pennsylvania the oil and gas industry has shown interest in developing pre-existing subsurface rights under parks for oil and gas development, said John Norbeck, director of the Pennsylvania Bureau of State Parks. About 75 percent of the state parks come with pre-existing subsurface energy rights. Royalties from oil and gas development on state lands are allocated to state parks and forests under a 1955 law.

The state has been leasing new oil and gas rights under state forestlands, but not to park lands, Norbeck said. "The policy of this administration and prior administrations is that we do not lease under state park lands," he said.

Because of new leasing in state forests the allocation to the oil and gas fund jumped from a range of \$15-20 million per year to \$180 million last year. But the legislature shifted most of it to the state's general fund, Norbeck said. The fiscal 2010-2011 budget request for Pennsylvania State Parks is down \$10 million from two years ago, from \$60 million to \$50 million. The state has closed no parks, yet.

Dolesh of the National Recreation and Park Association sees a risk in privatizing state parks. "All people have a stake in owning the parks and we

have a responsibility to protect the resources," he said. "This rush to privatize is a shortsighted approach. These resources are supposed to be protected in perpetuity. It doesn't address the long-term needs of cultural and natural resources. Any contracts would have to be carefully drawn to protect the public trust."

Last year California was in Arizona's position as the poster child of budget problems. After Gov. Arnold Schwarzenegger (R-Calif.) proposed closing 200 of the state's 279 parks to save \$70 million, a great hue-and-cry erupted. Eventually, Schwarzenegger found enough money from reduced hours and deferred acquisition of maintenance vehicles to keep the parks open.

This year, Schwarzenegger has come up with a new source of money to keep the parks going - offshore oil and gas royalties. The fiscal 2010-2011 state budget that the governor proposed in January would authorize offshore oil and gas development in a Tranquillon Ridge project and use the money to keep state parks going.

Supporters of California parks as represented by the California State Parks Foundation rejected the recommendation out-of-hand. "It's noteworthy that the governor has finally come around to the side of park advocates and park users in California by proposing to fund state parks, instead of cutting them as he's proposed in the last two budget cycles," said Elizabeth Goldstein, president of the foundation.

"But pegging the fiscal future of the state park system to offshore oil drilling sets up an unacceptable tradeoff between coastal protection and park preservation, and attempts to provide a band-aid for our state park system yet again," she said.

The foundation is backing separate legislation now before the state legislature that would levy an \$18 per vehicle surcharge to completely replace the \$130 million general fund appropriation for state parks. The bill is called the California State Parks and Wildlife Conservation Trust Fund Act.

In Idaho Gov. C. L. "Butch" Otter (R) in his fiscal 2011 budget proposed eliminating an allocation of \$4.5 million for the Idaho Department of Parks and Recreation. Under the state's plan, which would keep all parks open, revenues would come from eliminating 25 positions (\$1.1 million), revenues from an RV registration fund (\$2.5 million) and a cash balance (\$1.4 million.)

In addition Otter has proposed transferring the parks office to the Department of Lands, which is charged with developing state lands.

National conservation groups have been conspicuous in their silence on the issue. The Outdoor Industry Association, the National Recreation and Park Association, and the National Association of State Park Directors occasionally speak up, but that's about it.

ARIZONA SITUATION: Faced with overwhelming budget cuts the Arizona State Parks Board on January 15 decided to close 13 state parks and to keep nine open. On February 22 Arizona State Parks closed Lyman Lake State Park and Homlovi Ruins State Park.

The next batch of closing (from the 13) will fall March 29. That will include Fort Verde State Historic Park in Camp Verde, Roper Lake State Park in Safford, Tombstone Courthouse State Historic Park, Yuma Territorial Prison State Historic Park, Tubac Presidio State Historic Park, and Riordan Mansion State Historic Park in Flagstaff.

The final batch of closings is scheduled for June 3 and includes Tonto Natural Bridge State Park near Payson, Alamo Lake State Park in Wenden, Lost Dutchman State Park in Apache Junction, Picacho Peak State Park and Red Rock State Park in Sedona.

Arizona does have a heritage fund that is financed by lotteries. It provides about \$10 million per year for parks and \$10 million per year for refuges; however, most of that money is passed through to local governments. "We get a part of that. It's mostly for acquisitions but not for operations," said state parks' Bilbrey.

## Senators, led by Feinstein, fault Obama's LWCF increase

The senator who oversees Interior Department and Forest Service appropriations signaled March 9 that she may not be willing to go along with a major increase in spending for the Land and Water Conservation Fund (LWCF.)

At a hearing on the fiscal year 2011 Obama administration budget request for the Interior Department Sen. Dianne Feinstein (D-Calif.) first took note of major spending increases in the report. That includes a proposed 31 percent increase for LWCF.

Then she said, "Each of these is an important priority, we understand that. My concern is in order to pay for these the administration is proposing cuts elsewhere that may well be untenable." Feinstein chairs the Senate subcommittee on Interior and related agencies and will be in charge of writing a fiscal 2011 appropriations bill.

Among the reductions she worried about were \$164 million in construction costs at the Park Service, the Fish and Wildlife Service, the Bureau of Land Management, and the Bureau of Indian Affairs. "That's a 33 percent reduction for these agencies," she said, noting much maintenance work is conducted through the construction line item. "That is a problem."

And Feinstein worried about unfunded fixed costs of \$108 million that Interior Department agencies would be forced to eat. "The budget proposes having the various agencies absorb \$108 million in unfunded fixed costs," she said. "These include Congressionally-mandated pay raises, increases in employee health benefits, increased rent in utilities. Each of these must be paid for, but in this budget they are not. Where does the Park Service come up with the \$32 million to cover fixed costs?"

Ranking subcommittee Republican Lamar Alexander (Tenn.) had a different LWCF concern. He wondered why the fed-

eral side of LWCF would receive \$384 million and the state side only \$50 million, given that the law treats them roughly as equivalents. "Here are the areas I am interested in, the difference between the state and federal sides of land and water," he said. "State comes up pretty short."

In a separate budget hearing on March 3, the ranking Republican on the Senate Energy Committee that authorizes a large range of conservation programs took LWCF spending to the woodshed.

Sen. Lisa Murkowski (R-Alaska) sharply criticized the Obama administration for proposing an \$106 million increase for the program in its fiscal year 2011 budget request.

"Rather than increasing LWCF in order to obtain more federal property we ought to focus more on the lands we currently have in our possession," she told Secretary of Interior Ken Salazar at a budget hearing March 3. "We need to ask the question, how we can afford to obtain more lands when we can't maintain the lands that we currently have entrusted in the department?"

It should be noted that the object of Murkowski's disaffection is the federal side of LWCF and the object of Alexander's affection is the state side of LWCF.

LWCF is in the news because the Obama administration has proposed significant increases for it in fiscal 2011 at a time when the rest of the conservation budget is at best flat. Also, the administration says it is on track to provide full funding of \$900 million per year for the program.

After noting a sizeable increase in spending for LWCF in fiscal 2010 as well, Salazar said at the March 3 Senate Energy Committee hearing, "With these consecutive increases, appropriations from (LWCF) are on track to reach the full funding level of \$900 million annually by 2014."

To Murkowski's criticisms Salazar said the LWCF funding is a crucial part

of an administration initiative to protect Treasured Landscapes around the country.

"The fact is we lose about two million acres of land every year to development here in the United States of America," he said. "The fact is we are seeing declines in many of our species. We have sportsmen and anglers who are concerned about conservation around the world. Treasured Landscapes is a response to that great need. So the increases in the LWCF tend to be a part of moving that conservation agenda forward."

All told the administration recommended \$619 million for LWCF in fiscal 2011, although not all the money would go to the traditional state and federal sides of the program. The budget would appropriate \$384 million for federal land acquisition, compared to a fiscal 2010 appropriation of \$265.3 million, and \$50 million for state grants, compared to a fiscal 2010 appropriation of \$40 million.

In addition the budget would transfer \$100 million of LWCF money to a Forest Service-run Forest Legacy program and \$85 million to a Fish and Wildlife Service-run Endangered Species Conservation Fund.

Conservation groups are backing Salazar. Said Frank Hugelmeyer, president of the Outdoor Industry Association of the administration's proposed LWCF budget, "This type of financial commitment to our nation's recreation infrastructure will immediately put people to work rebuilding our nation's trails, parks and greenways and will easily pay for itself over the long term in the resulting reduction in health care costs as Americans become more active and in the economic benefit recreational tourism brings to local economies."

## **Interior says it won't rush into monuments, land buys**

Secretary of Interior Ken Salazar March 3 attempted to quiet a national furor over an internal Interior Department memo that indicates the Obama ad-

ministration is considering the designation of 17 national monuments in the West.

Salazar told the Senate Energy Committee that there is no secret plan to make monument nominations. "There is no hidden agenda on the part of my department," he said at a hearing on the fiscal year 2011 Interior Department budget.

"As secretary of the department I am interested in finding out what my employees are thinking about, what some of their ideas are," he said. "Just as I'm interested in what Department of Interior employees are thinking, there are lots of other people out there with ideas. No one should be too worried that there is any kind of hidden federal agenda, because there is not."

Salazar's assurances may, or may not, calm the furor among western Republicans. The Republicans have been having a political field day. Legislators from Alaska, California, Montana, Nevada and Utah have introduced, or intend to introduce, legislation to exempt their states from the Antiquities Act that authorizes a President to designate national monuments. And to set limits on uses within those monuments.

To emphasize their discontent two leading House Natural Resources Republicans February 26 asked the Interior Department to release additional internal documents relating to the monument dust-up. The Republicans are ranking House Natural Resources Committee member Doc Hastings (R-Wash.) and ranking House subcommittee on National Parks, Forests and Public Lands member Rob Bishop (R-Utah.)

Hastings and Bishop had opened the controversy February 18 when 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 the Bureau of Land Management (BLM.) In addition the Republicans say the document indicates Interior is considering the designation of 17 new national monuments on BLM land.

The seven-page document made up pages 15-to-21 of a larger internal document. Now Hastings and Bishop want the rest of the document. "Left unanswered at this point are many questions about the status of potential National Monument designations, what groups and individuals are or were involved in this endeavor, and the extent to which the process will continue to be carried out behind closed doors," the two Republicans said in a letter to Secretary of Interior Ken Salazar requesting the additional documents.

An aide to Hastings denied the Republican criticisms were politically loaded. "I would argue that the Administration already politicized the issue with their secret plans to unilaterally hijack 13 million acres of land without Congressional approval or notice," he told *FPR*. "Mr. Hastings request simply looks to shed light on the issue and keep this Administration true to their claims of transparency."

At the Senate Energy Committee hearing March 3 Salazar said the White House has no secret agenda. "Let me assure there is no direction from the White House on any of this for the department of Interior," he said. "Zero. Nada."

But Salazar did recommend that the Senate Energy Committee generate an omnibus lands bill like it did last year when Congress approved 160 individual bills in one big omnibus bill (PL 111-11 of March 30, 2009.) (*See separate article on the omnibus bill on page 11.*)

One of Salazar's toughest critics, Sen. Bob Bennett (R-Utah), said he is working on a major San Juan County lands/wilderness bill and hopes to see it enacted this year. "I anticipate by the end of this Congress Mr. Chairman we will have a San Juan land use bill ready to go and ready to be signed by the President in the same way the Washington County one was," he said. His proposal could take the heat off possible BLM monuments in Utah.

The Southern Utah Wilderness Alliance defended the Antiquities Act in a

February 26 letter to its supporters. "The (Republican) outcry comes despite the fact that over the last 100+ years, presidents from both political parties have designated national monuments in Utah," the alliance said. "Many were initially controversial, though they resulted in the long-term protection of some of our most iconic and beloved landscapes, including Arches, Zion, Bryce Canyon and Capitol Reef - all of them now national parks." The alliance letter was sent out by Richard Peterson-Cremer, legislative director.

Meanwhile, critics of the administration (mostly Republicans) have been on the attack. Sens. Bennett and Orrin Hatch (R-Utah) led the way by introducing legislation (S 3016) February 22 that would require Congressional approval of any monument in Utah. Rep. Rob Bishop (R-Utah), who obtained the Interior Department document, introduced on February 23 a counterpart House bill (HR 4651.)

On February 24 Rep. Dean Heller (R-Nev.) jumped into the fray, introducing a bill (HR 4675) to exempt the State of Nevada from the purview of the Antiquities Act. Sen. John Ensign (R-Nev.) introduced a counterpart bill (S 3041) February 25.

Sen. Lisa Murkowski (R-Alaska) said last month she would introduce a similar bill to exempt Alaska from the Antiquities Act.

Eight California Republican House members led by Rep. Wally Herger introduced a bill (HR 4703) to exempt California on February 25. And Rep. Dennis Rehberg (R-Mont.) introduced a bill (HR 4754) March 4 to exempt Montana.

The controversial Interior Department document does not identify the addressee, the sender or the date. It does identify \$2,383,360,000 worth of potential acquisitions. The document, identified only as "Attachment 4" does make clear that it is not a definitive recommendation. It appears to be an internal working paper.

The document says, "The areas

listed below may be good candidates for National Monument designation under the Antiquities Act; however, further evaluations should be completed prior to any final decision, including an assessment of public and Congressional support."

The Interior Department told us in a statement: "The preliminary internal discussion draft reflects some brainstorming discussions within BLM, but no decisions have been made about which areas, if any, might merit more serious review and consideration."

The 17 possible monuments are located in Arizona (1), Alaska (2), 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.

Former President Bill Clinton created a great hue-and-cry when he designated a dozen national monuments in his final days in office. While Republicans said he violated the Antiquities Act, the Clinton designations were upheld in court. Earlier in his Presidency in 1996 Clinton created perhaps his greatest stir when he designated the Grand Staircase-Escalante National Monument on 1.9 million acres of BLM land in Utah.

In a letter to Salazar Bennett brought up the Grand Staircase designation, saying, "I am shocked and outraged that, given past history with the manner in which the Grand Staircase-Escalante National Monument was designated by President Clinton in 1996, this administration would begin taking the same reckless steps."

## **Cape Hatteras lays out ORV/seashore protection plan**

The Park Service proposed a new plan for Cape Hatteras National Seashore March 5 that would close 40.8 miles of existing off-road vehicle (ORV) use areas.

The proposal would also set aside 27.2 miles of ORV tracks for ORV use year-round. That is down from 50.1 miles.

Those are just two of the conditions the park proposed March 5 to end a decade-long dispute over balancing ORV use in the seashore with protection of habitat for turtles, water birds and other species.

In a draft EIS the Park Service painted its new restrictions on ORV miles as a positive for users because it would eliminate confusing seasonal closures. "Under alternative D, visitors to the Seashore would have the maximum amount of predictability regarding areas available for ORV use and vehicle-free areas for pedestrian use with most areas having year-round, rather than seasonal designations," said the seashore in describing a preferred alternative.

The park added, "Restrictions would be applied to larger areas over longer periods of time to minimize changes in designated ORV and non-ORV areas over the course of the year."

Conservation groups that brought litigation that led to the Park Service writing the EIS are not yet enthusiastic about the proposal, although they were still reviewing the 800-page document.

"We look forward to working with the Park Service to ensure compliance with legal and scientific requirements to guarantee adequate space and protections for pedestrians and wildlife, while still allowing responsible beach driving in some areas, so that all visitors can fully enjoy this national treasure," said Julie Youngman, a senior attorney with the Southern Environmental Law Center.

Sen. Richard Burr (R-N.C.) has been on the opposite side of this fight. He introduced legislation (S 1557) Aug. 3, 2009, that would authorize increased ORV use in Cape Hatteras.

His bill would effectively restore a Park Service Interim Management Strategy of June 13, 2007, that a court

agreement superseded. That agreement, signed off on by U.S. District Court Judge Terrence Boyle in North Carolina April 30, 2008, essentially forbids OHV use at night during the peak summer and shoulder seasons. And it bars OHV access within breeding zones.

The decree is supposed to stay in effect until NPS completes the EIS and writes and new management strategy. The decree sets a deadline of April 1, 2011.

Burr holds an important outdoor policy position in the Senate as ranking Republican on the subcommittee on National Parks.

Rep. Walter Jones (R-N.C.) and five of his North Carolina House colleagues introduced a House version of the bill (HR 718) in January.

The consent decree essentially forbids ORV use at night during the peak summer and shoulder seasons. And it bars ORV access within breeding zones.

The decree settled a lawsuit brought on behalf of Defenders of Wildlife and the National Audubon Society against the Park Service and Dare and Hyde Counties in North Carolina.

The environmentalists filed suit in October 2007 to protest Park Service and Fish and Wildlife Service management policies that they argue endanger the plovers, turtles and other species. One of their first demands was a ban on beach driving on 12 miles of the 68-mile shoreline.

## **Active transportation bill may end up in new roads bill**

Seven House members introduced legislation (HR 4722) last week that would establish a \$2 billion program to encourage communities to build large networks of bike and pedestrian trails.

The likelihood of HR 4722 moving by itself is slim. But the odds are better that some or all of the bill will make its way into a comprehensive surface transportation bill that the House

and Senate are expected to write in the next year.

Already, a prototype House Transportation Committee omnibus bill includes (1) a provision to encourage communities to build bike routes and (2) an umbrella provision to encourage communities to make life more livable.

"In the committee print there is already a lot of bike and pedestrian stuff in there," said House Transportation Committee spokesman Jim Berard. "It's possible the bill could be blended in or is part of the committee print already."

HR 4722, introduced by the most enthusiastic biker in Congress, Rep. Earl Blumenauer (D-Ore.), has a tighter focus. It would allocate \$2 billion in network grants over five years. The grants would range from \$5 million to \$15 million for each city each year for up to three years. The idea is to get Americans out of their cars and onto their feet and bicycles.

A Senate bill is in the works. Kevin Mills, vice president for policy of the Rails-to-Trails Conservancy, said, "We have been talking to several offices about introducing a bill but have not finalized a date yet."

The House sponsors of HR 4722 would provide relatively large grants to enable communities to make a difference with their programs. The bill says, "The Secretary shall ensure that grant awards under the program are sufficiently high to enable a mode shift to active transportation."

Said Blumenauer, chairman of the Livable Communities Task Force in Congress, "It's unfortunate that many communities don't have the infrastructure in place to make active and healthy forms of transportation more accessible. The (bill's) transportation grants will make it easier for people to get out of their vehicles and onto sidewalks or bikes, boosting heart rates and community vitality."

Dozens of conservation groups

endorsed the bill. The Rails-to-Trails Conservancy did most of the grunt work leading up to its introduction. "This is possibly the most important legislation to come down in the last 20 years for those who value trails, walking and biking," said Rails-to-Trails Conservancy (RTC) President Keith Laughlin. RTC began to campaign for the bill in 2007.

Other supporters include such varied groups as the American Institute of Architects, the American Planning Association, American Trails and the Outdoor Industry Association.

The supporters acknowledged in a March 2 letter to Blumenauer that the current surface transportation law, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), already provides hundreds of millions of dollars per year to "enhance" surface transportation. Much of that money goes to trails.

But, the supporters told Blumenauer, the enhancement program's "dispersed" funding pattern "has minimized its role in facilitating substantial mode shifts. Your proposed legislation addresses this complementary missing piece of concentrated funding."

Transportation enhancements is financed through a ten percent share of a Surface Transportation Program, which in turn is financed by the Highway Trust Fund. HR 4722 would also tap the Surface Transportation Program for money.

Supporters of HR 4722 realize that it will probably be included - in whole or in part - in legislation that will replace SAFETEA-LU. Congress is expected to write a new, \$500 billion five-to-six year surface transportation law in the next year.

As an opening step the House subcommittee on Highways and Transits June 24, 2009, approved a prototype surface transportation bill, without filling in the numbers, other than the bottom-line cost of \$500 billion.

RTC said when Blumenauer introduced his bill that it "would be a part

of the larger transportation reauthorization."

Indeed, another lobbyist who is friendly towards the initiative said, "This is likely to be reflected in a five-to-six year surface highway bill, if and when Congress takes it up. But the times are getting tougher and it depends on how much money there is. The traditional highway guys say the Highway Trust Fund is getting worse. Unless they get more revenues for roads those roads are going to deteriorate."

There are powerful critics of the diversion of Highway Trust Fund money to trails, period, beginning with Sens. John McCain (R-Ariz.) and Tom Coburn (R-Okla.)

They famously complained in a press release last August that in the last five years: "More than \$2 billion has been obligated for 5,547 bike paths and pedestrian walkways, including \$878,000 for a pedestrian and bicycle bridge for a Minnesota town of 847. An additional \$2 million in stimulus funds will pay for a bike lane along a deteriorating road in Pennsylvania, where exasperated local officials say the road is so bad they may be forced to drive on the bike path instead." They based their complaints on a Government Accountability Office report.

The House Transportation Committee, under chairman Oberstar, is going in the opposite direction. The House subcommittee's comprehensive, six-year bill, largely Oberstar's work, would extend for six years such outdoor programs as transportation enhancements, recreational trails, scenic byways, federal and Indian land roads, and Safe Routes to School.

In addition the subcommittee bill contains a new concept that could boost outdoor programs - "livability." It is touted by both President Obama and Oberstar. The bill would create a new Office of Livability that would oversee transportation enhancements, recreational trails, scenic byways, Safe Routes to School and a new U.S. bicycle route system.

The bike-route program would provide grants to states and Indian tribes (80 percent federal money) to establish a national system. The money would be used for construction (at least half of all expenditures), planning, mapping, signage and promotional materials. The bike route system is Section 1203 (k.)

Blumenauer's active transportation bill would use from the Surface Transportation Program \$300 million per year in fiscal years 2011 and 2012, and \$466,666,666 per year in fiscal 2012, 2014 and 2015.

It would establish two sets of grants. The first set of \$5 million to \$15 million for each city would be awarded within six months of bill passage. The second set of grants in the same \$5 million to \$15 million range would be awarded two years after passage to allow other communities to get up to speed.

The money could be used to "construct networks of active transportation infrastructure facilities, including sidewalks, bikeways, and pedestrian and bicycle trails, that connect people with public transportation, workplaces, schools, residences, businesses, recreation areas, and other community activity centers," the bill says.

## **Is FS chief backing off campground discount plan?**

Complaints from both western Republicans and Democrats about a Forest Service proposal to reduce camping fee discounts for senior citizens are apparently taking effect.

Forest Service Chief Tom Tidwell last month all but admitted the service was giving up on a proposal to reduce the discounts from 50 percent to 10 percent.

In a hearing on the fiscal year 2011 Forest Service budget before the Senate Energy Committee Tidwell said, "I can tell you that by far, by far, the comments we have received have been not supportive of this idea. We haven't

made an announcement yet, but we're going to be looking at different ways to do our campgrounds and find other ways (to pay for it.)"

Tidwell was responding to questions from Sen. Jim Risch (R-Idaho), who reminded the chief that the entire Idaho delegation - both Republican and Democrat - opposed the idea.

"It seems to me those people (senior citizens) are the most vulnerable and we could continue the 50 percent discount," Risch said.

The Idaho delegation has important company in its opposition to the discount reduction from Sen. Ron Wyden (D-Ore.), chairman of the Senate subcommittee on Public Lands and Forests. In that role Wyden effectively oversees all Forest Service policy.

Wyden last month wrote Tidwell and, while acknowledging that concessioners on the national forests are worried about declining profits, said that the federal government made a deal with the discount passes. That deal implied the 50 percent discount was permanent, he said.

"This Forest Service proposal would go back on that promise, effectively changing the rules after these passes had been sold," he wrote Tidwell in a February 19 letter.

Wyden continued, "I can see no reason for increasing the bottom lines of private companies with proceeds derived exclusively from persons with disabilities and elderly users of the National Forests."

The senators were responding to a Dec. 1, 2009, Forest Service proposal that would make a number of policy changes involving privately-operated campgrounds in the national forests, about half of all campgrounds. In addition to reducing the senior citizen deduction, the service also proposed to allow private operators of day use sites to charge fees at the sites.

The Forest Service proposal opened

up a disagreement between concessioners and recreation user groups such as the Western Slope No-Fee Coalition. The user groups charged that the service in its December proposal was caving in to concessioners. The fee critics are in full support of the Idaho delegation and of the senior discount.

But the concessioners, allied as the National Forest Recreation Association, view the proposal as a trade-off - slightly higher fees for seniors to prevent higher fees for everyone else, including youngsters.

"The Forest Service offered this as a trade-off," said Warren Meyer, a concessioner who often speaks for the association, "an increase in fees for some and a decrease in fees for others. We agreed to help."

Meyer said it makes no difference to him how the Forest Service structures the fee schedule. "This never did anything for my bottom line," he said. "If the public is comfortable with that, it does not affect us economically." Meyer is president of Recreation Resource Management.

After the controversial Federal Lands Recreation Enhancement Act was enacted in Dec. 8, 2004, as PL 108-447, critics such as the Western Slope No-Fee Coalition charged that federal agencies became too eager to make money from fees at the public's expense. Agencies retain 80 percent of fees.

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 Forest Service is also in danger of losing the greater war because three western senators have introduced legislation (S 868) that would repeal the overarching recreation fee law called the Federal Lands Recreation Enhancement Act (PL 108-447 of Dec. 8, 2004.)

The repeal bill was introduced by Sens. Max Baucus (D-Mont.), Jon Tester (D-Mont.) and Crapo on April 22, 2009. No hearings have been held on it, but Baucus is in position to insert it in any big tax bill that comes before the Senate Finance Committee that he chairs.

The Forest Service took comments on its campground fees proposal until February 1.

## **Salazar encourages Senate to prepare another omnibus bill**

The Obama administration made a pitch last week for an omnibus natural resources bill this year, similar to the huge, 160-measure bill Congress passed a year ago.

Secretary of Interior Ken Salazar made the pitch at a March 3 Senate Energy Committee hearing on the fiscal year 2011 budget request for the Interior Department. While being grilled by Sen. Bob Bennett (R-Utah) about controversial department plans to designate new national monuments, Salazar said a new omnibus bill could resolve the controversy.

"If there was a way to replicate what I've spoken with the chairman (Sen. Jeff Bingaman, D-N.M.) about, that is the need for us to come together hopefully with Congress and the administration perhaps in moving forward with a 2010 version of what we did in 2009," Salazar said, referring to the 2009 omnibus bill. "As you know that legislation was very much bottoms up. That is our intention as we move forward with a conservation agenda."

There are a lot of pieces to this puzzle. If the Senate Energy Committee does take the lead in putting together an omnibus bill, as it did last year (PL 111-11 of March 30, 2009), it will begin with committee-passed measures that affect as many states as possible, committee staff tell us.

From there the committee may draw in some additional bills with national implications, such as a southern Utah

wilderness/lands bill for San Juan County that Bennett is working on. In addition a measure to reauthorize and reshape a federal land transaction law is a prime candidate. As is a bill to authorize year-round rec in ski resorts.

Bennett said a San Juan County bill could be ready soon. "We are well along toward having a San Juan County bill moving in the same direction as the Washington County bill and we will be happy to keep you fully informed on that," he told Salazar. "I anticipate by the end of this Congress Mr. Chairman (referring to committee chairman Bingaman) we will have a San Juan land use bill ready to go and ready to be signed by the President in the same way the Washington County one was."

The Washington County bill was a major piece of the 2009 omnibus bill. It 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 the Bureau of Land Management (BLM.)

San Juan County lies in the southeastern corner of Utah adjacent to Colorado, Arizona and New Mexico. It is packed with federal conservation lands including Canyonlands National Park and the eastern side of Glen Canyon National Recreation Area. Environmentalists have long promoted wilderness designation for segments of the county managed by BLM.

Most of the bills the Senate Energy Committee has approved are of minor impact, but these do have more import:

- \* HR 1694 would authorize the acquisition of Revolutionary War and the War of 1812 battlefields under the American Battlefield Protection Program,

- \* HR 1376 would establish a Waco Mammoth National Monument in Texas.

- \* HR 2330 would authorize a study of the possibility of designating Camp Hale in Colorado as a Park Service unit,

- \* HR 3113 would authorize a study of a segment of the Elk River in West Virginia as a wild and scenic river, and

- \* S 1369 would designate segments

of the Molalla River in Oregon as wild and scenic.

Dozens of other park and rec bills are in the pipeline. The Senate subcommittee on National Parks has scheduled a hearing for March 17 on nine bills, including one to establish an Alabama Black Belt National Heritage Area (S 2892.)

An intriguing possible addition to the pile is a bill (S 1787) introduced by Bingaman that would allow federal land managers to sell lands cleared by all land management plans. The existing law, the Federal Land Transaction Facilitation Act of 2000, only allows the sale of land cleared by land management plans completed before 2000. The law has produced more than \$100 million for the government this decade. S 1787 has not begun to move yet.

Another candidate of particular interest would authorize ski resorts on national forest land to allow non-skiing recreation uses. The House approved the bill (HR 2476) Dec. 16, 2009.

## **Senate and House closer on highway extension, new bill**

Although we've heard it before, Congress actually appears to be making progress on two fronts in the campaign to extend a comprehensive surface transportation bill. And to write a new version of the bill.

The House took an interim step March 4 by approving an economic stimulus bill (HR 2847) that would extend the existing surface transportation law beyond its scheduled expiration date of March 28, to December 31.

Sen. Barbara Boxer (D-Calif.) took a longer-term step March 5 when she said the Senate Environment and Public Works (EPW) Committee she chairs would use a House subcommittee-passed transportation bill as a template for writing a six-year surface transportation law. The interim extension of the old law would provide Congress with time to write the six-year law.

"There appears to be some movement," said an aide to House Transportation Committee Chairman James Oberstar (D-Minn.), Boxer's counterpart on transportation. "It's possible the House and the Senate will pass bills by the end of the year, but the reality of getting a bill to the President's desk is another question."

The aide said that neither the House nor the Senate was anywhere near a consensus on how to pay the estimated \$500 billion tab for a new surface transportation bill. The Highway Trust Fund as now constituted would only pay a fraction of the costs.

The long-term bill, approved by the House subcommittee on Highways and Transit June 24, 2009, is packed with money for outdoor programs. Altogether it would allocate the \$500 billion to surface transportation over the next six years.

At an EPW hearing on a long-term bill Boxer said, "We're going to take (the House subcommittee) bill and work from it." Senate Majority Leader Harry Reid (D-Nev.) reportedly promised Boxer last month that he would bring a six-year bill to the Senate floor this year.

Of importance, Sen. James Inhofe (R-Okla.), who usually opposes reflexively Democratic initiatives, heartily supports surface transportation spending in his role as the ranking Republican on the EPW committee.

He said at a March 3 hearing on economic stimulus spending, "For years, I have been leading the fight in Washington for increased investment in transportation and infrastructure, because I believe strongly that no other form of government spending is as beneficial to our citizens and the economy as infrastructure investment."

Inhofe added, "There is an undeniable link between a robust economy and strong transportation infrastructure investment. Yet, when it comes to other federal spending needs, transportation is often neglected as a priority-one only needs to look at the so-called

'stimulus' bill to see evidence of this."

Surface transportation programs and economic stimulus projects have become intertwined on Capitol Hill. The latest economic stimulus bill (HR 2847) would not only extend the interim law but build up the Highway Trust Fund that pays for surface transportation programs with an \$19.5 billion infusion and insure that fiscal year 2010 transportation programs have a full \$42 billion to allocate.

HR 2847 is a revised version of a jumbo stimulus bill the House first approved Dec. 16, 2009, with \$154 billion in economic assistance. Some of the money in the bigger bill would go to federal land managers. The Senate then approved its version of HR 2847 with just \$15 billion in it, and with almost no money for outdoor program; however the Senate version would extend surface transportation programs until December 31.

On March 5 the House took another shot at HR 2847 and sent it back to the Senate. At least the two Houses are now in accord on how long to extend surface transportation programs, i.e. December 31.

BIG STIMULUS: HR 2847, as passed by the House in December, would appropriate for "term employment" land management purposes \$50 million for the Park Service, \$40 million for the Forest Service, \$30 million for the Fish and Wildlife Service, and \$20 million for the Bureau of Land Management.

In addition the House bill would appropriate for hazardous fuels reduction projects \$35 million for the Forest Service and \$20 million to the Interior Department. Finally, the House would set aside \$550 million for Indian and federal roads as follows: Indian Reservation Roads, \$310 million; NPS roads, \$170 million; Forest Highways, \$60 million; and Refuge Roads, \$10 million.

HOUSE SUBCOMMITTEE TRANSPORTATION BILL: Under the whip of House Transportation Committee Chairman Oberstar, the

House subcommittee on Highways and Transits approved a comprehensive, six-year bill last June. It would extend for six years such outdoor programs as transportation enhancements, recreational trails, scenic byways, federal and Indian land roads, and Safe Routes to School

In addition the subcommittee bill contains a new concept that could boost outdoor programs - "livability." It is touted by both President Obama and Oberstar. The bill would create a new Office of Livability that would oversee transportation enhancements, recreational trails, scenic byways, Safe Routes to School and a new U.S. bicycle route system.

*(See related article on active transportation on page 8.)*

## Notes

**Moran chairmanship official.** As we reported in the last issue of *FPR*, Rep. James Moran (D-Va.) will be the new chairman of the House subcommittee that appropriates money for many park and rec programs. The House Democratic Caucus chose Moran for the post March 9. Moran replaces Rep. Norman Dicks (D-Wash.), who will now chair the Defense appropriations subcommittee. Moran will have responsibility for spending for most Interior Department agencies, the Forest Service and EPA. He has been perhaps an even more aggressive advocate of state and local park and rec programs than Dicks. The League of Conservation Voters gave Moran a 93 on its scorecard for 2009 conservation votes. There are questions about Moran's familiarity with park and rec programs.

**NPS to hold no-fee week in April.** Following up on last year's policy of offering three weekends with no entrance fees to the national parks, the Park Service has decided to waive fees from April 17 to 25, National Parks week. The fee-free weekends last year are believed to have contributed to near-record visitation to the National Park System. Gateway communities and national park concessioners in particular

have pressed NPS to increase visitation to the system. Mid-April is of course not a peak visitation time.

### **Calif. renewables agreement set?**

Secretary of Interior Ken Salazar and Sen. Dianne Feinstein (D-Calif.) have apparently settled their differences about siting solar energy projects in sensitive areas of the California Desert. At a Senate Appropriations subcommittee on Interior hearing on the Interior Department budget March 9 Salazar and Feinstein appeared to agree that the department would not site solar projects in lands Feinstein has included in a Mojave Trails National Monument bill (S 2921.) Said Feinstein, "My understanding is - I wanted to get you on the record - is that there are zero acres affected by fast-track permitting that would be halted. In terms of acres of study zones overlapping the monument there are zero acres as well." Salazar and Deputy Secretary of Interior David Hayes confirmed the statement. Said Salazar, "We have been working closely with you to avoid conflicts between the siting of these facilities and protecting these areas and I think we have come up with an agreement so that we can avoid conflicts with the boundaries." The Interior Department is committed to completing environmental analyses by the end of the year for 31 renewable energy projects, including a number of solar projects in southern California on Bureau of Land Management land. Feinstein's bill would designate a 941,00-acre Mojave Trails National Monument. The bill would also designate a Sand-to-Snow National Monument of about 134,000 acres.

### **Obama backs Bush Cape Wind EIS.**

The Obama administration March 8 said that it has found no new information that would indicate a Bush administration EIS on a controversial Cape Wind energy project off Cape Cod is faulty. The Bush administration in its final moments on Jan. 16, 2009, published a final EIS that was favorable to the Cape Wind Energy Project. The Obama administration then conducted a year-long review and the Minerals Management Service (MMS) concluded this week, "The analyses, potential impacts and conclusions

detailed in the FEIS remain applicable and unchanged. Therefore, MMS has determined that a supplemental EIS is not required. . .” Secretary of Interior Ken Salazar and the Park Service in January jumped into the debate about the project in Nantucket Sound off Massachusetts. The Park Service opened the way for Salazar’s intervention on January 4 by announcing the entire Nantucket Sound was eligible for listing on the National Register of Historic Places. NPS was responding to a request of two Wampanoag Indian tribes who say the sound is sacred to them. Salazar has said that if the warring parties don’t reach an agreement in April, he will make a final decision on the project’s future. In that Salazar is a lead advocate of wind energy, he is expected to side with the developers of the proposed project, even though some Massachusetts politicians who are usually his allies oppose it, including the Kennedy family. Even if Salazar sides with the developers the listing as a historic place could provide legal ammunition for the tribes to block the project. The wind farm would consist of 130 turbines on 24 square miles of the sound.

#### **Y’stone snowmobile meetings set.**

The Park Service has scheduled three meetings over the next week to take public comment on the optimum approach to writing a permanent rule governing snowmobile use in Yellowstone National Park. NPS on January 29 solicited from the public advice on an upcoming EIS that will guide the writing of regulations long-term. In the short-term for this past winter and the coming winter of 2010-2011 interim regulations allow up to 318 snowmobiles per day and up to 78 snowcoaches per day. The interim rule has generated hard feelings. Park Service retirees January 14 charged that Yellowstone officials were biased in favor of snowmobiles. But the governor who represents Yellowstone, Wyoming Gov. Dave Freudenthal (D-Wyo.), says the interim rule is overly restrictive and has taken it to court. Freudenthal would prefer a peak snowmobile cap of 720 per day. That will be hashed out in public at scoping meetings on March 15 in Cheyenne, Wyo.; March 17 in Washington, D.C.; and March 22 in Cody, Wyo.

#### **FWS budget cuts criticized.**

Twenty-two sportsmen and conservation groups said March 8 that the National Wildlife Refuge System could be in jeopardy from the Obama administration’s fiscal year 2011 budget request. The administration requested a \$3.3 million reduction in spending for the system, which the groups say translates into an \$18.3 million reduction when inflation is factored in. As a result, said the Cooperative Alliance for Refuge Enhancement, the Fish and Wildlife Service will not have enough money to address a \$3.7 billion backlog in deferred maintenance and operations money, to control crime, to halt the spread of invasive species, to manage oil and gas drilling, and to manage more than 50 million acres of new marine monuments in the Pacific Ocean. “National Wildlife Refuges bring in over 41 million visitors a year and pour nearly two billion dollars a year into local economies,” said Evan Hirsche, president of the National Wildlife Refuge Association. “Every dollar invested in the Refuge System returns, on average, \$4 to local communities. This is no time to cripple a critical federal program that provides such an impressive return on investment.” The Obama administration requested \$500 million for the refuge system for fiscal 2011, or \$3 million less than the fiscal 2010 appropriation. The alliance is asking Congress for \$578 million.

#### **FS plans planning meets in April.**

The Forest Service will hold three national roundtables, nine regional roundtables and a science forum in April on the development of the next round of forest planning regulations. The service has strongly suggested that it will use the regulations to help implement a principle of “restoration” in the forests. The service announced Dec. 18, 2009, that it will prepare a new planning rule. In making the announcement the Forest Service said its first principle in writing the regs will be “the need for restoration.” By restoration Secretary of Agriculture Tom Vilsack has said he means protecting the resource. While the Forest Service prepares the new rule it will use a 2000 Clinton administration rule to guide individual forests. However, that 2000 rule allows

forests in turn to use a 1982 rule. The 1982 rule may be the choice of most forests because the 2000 rule was so complex, the agency said. The Clinton administration relied in large part on a committee of scientists in the preparation of its rule, and environmentalists are urging the Obama administration to do the same. But others say such a committee could delay the completion of regulations for years. The Bush administration did issue two sets of planning rules, each of which was shot down in federal court for failure to prepare adequate environmental documentation. The three national roundtables will be held in Washington, D.C. The regional roundtables will be held in the nine Forest Service regions between April 6 and April 28.

#### **Senators move to protect Flathead.**

Less than a month after the British Columbia government promised to bar mining in the Flathead River Basin on the Canadian side of the border, Montana's senators introduced legislation (S 3075) to protect the United States side of the basin. Sens. Max Baucus (D) and Jon Tester (D) said March 4 their bill would withdraw from mining 575,000 acres of federal land, mostly in the Flathead National Forest. British Columbia and the Montanans are concerned that proposed gold mining, coal mining and coalbed gas mining would devastate the river basin. The basin includes the World Heritage Site the Waterton-Glacier International Peace Park that straddles the British Columbia-Montana border. Environmentalists and Montana's senators had asked the British Columbia government to head off development on the Canadian side of the peace park. The British Columbia government announced its position against development in an annual Throne Speech, presented this year by Lt. Gov. Steven Point. Said Baucus on introducing S 3075, "Similar to everyone who ventures into the Flathead, every Montanan, every American, every Canadian, everyone who happens to be touched by the beauty of this place could not help but be stunned by the beauty of a place carved by glaciers a millennia ago and still untouched by modern development."

## Conference Calendar

### MARCH

16-19. **NRPA National Legislative Forum on Parks and Recreation** in Washington, D.C. Contact: National Recreation and Parks Association, 1901 Pennsylvania Ave, N.W., Washington, DC 20006. (202) 887-0290. <http://www.nrpa.org/forum>.

16-20. **American Alliance for Health, Physical Education, Recreation and Dance** annual meeting in Indianapolis, Ind. Contact: AAHPERD, 1900 Association Drive, Reston, VA 20191. (703) 476-3400. <http://www.aahperd.org>.

22-27. **75<sup>th</sup> North American Wildlife** conference in Milwaukee, Wis. Contact: Wildlife Management Institute, 1146 19th Street, N.W., Suite 700, Washington, DC 20036. (202) 371-1808. <http://www.wildlifemanagementinstitute.org>.

### APRIL

10-14. **Society for American Archaeology** annual meeting in St. Louis. Contact: Society for American Archaeology, 900 2nd St., N.E., Suite 12, Washington, DC 20002-3557. (202) 789-8200. <http://www.saa.org>.

20-21. **Outdoor Industry Association Capitol Summit** in Washington, D.C. Contact: Outdoor Industry Association, 4909 Pearl East Circle, Suite 200, Boulder, CO 80301. (303) 444-3353. <http://www.outdoorindustry.org>.

### MAY

2-5. **National Ski Areas Association** annual meeting in Orlando. Contact: National Ski Areas Association, 133 South Van Gordon St., Suite 300, Lakewood, CO 90228. (303) 987-1111. <http://www.nsaa.org>.

2-5. **National Sporting Goods Association** annual meeting in Tampa, Fla. Contact: National Sporting Goods Association, 1601 Feehanville Drive, Suite 300, Mt. Prospect, IL 60056-6035. (847) 296-6742. <http://www.nsga.org>.

5-6. **America Boating Congress** legislative conference in Washington, D.C. . Contact: (202) 737-9750. <http://www.nmma.org>.