

Federal Parks & Recreation

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Budget stalled in Senate; House sets money mark-ups

The Senate Budget Committee has punted for the time being on completion of a fiscal year 2012 Congressional budget.

Although committee chairman Kent Conrad (D-N.D.) has completed a draft resolution, he won't release it while macro-budget negotiations are going on between Vice President Biden and Congressional leaders, he said.

The budget matters because it serves as a guide for establishing spending caps for appropriations bills. And it sets a rough target for natural resources spending, which includes most park and rec programs.

Conrad said May 19, "Democrats on the Budget Committee are very close to an agreement. We will have a budget. But, after broad consultation, we have decided to defer a budget mark-up because of the high-level bipartisan leadership negotiations that are currently underway." He didn't say when the budget details would be leased.

Budget committee Republicans say the budget is held up because of discord among majority Democrats. Led by ranking Republican Rep. Jeff Sessions (R-Ala.), the Republicans are demanding action, discord or no discord.

"It seems Senate Democrats are desperately trying to avoid having to present a budget to the American people," said Sessions in a reply to Conrad. "They know that the big spenders in their caucus prevent them from bringing forward a credible plan that both their party and the country can support."

The House approved its budget April 15, the deadline the House and

Senate have traditionally prescribed for completing their budgets.

The House Appropriations Committee a fortnight ago used the House-passed budget as a guide to call for major decreases in spending ceilings for all 12 fiscal year 2012 appropriations bills. The Interior and Related Agencies bill will have \$2.1 billion less to spend, a decrease to \$27.5 billion from a \$29.6 billion allocation in fiscal 2011. The cap is \$3.8 billion less than the administration's fiscal 2012 request.

An Energy and Water bill would be decreased by \$1.1 billion from \$31.7 billion to \$30.6 billion. The cap is \$5.9 billion less than the administration request. A Transportation bill would decrease spending by \$7.7 billion from \$55.4 billion to \$47.7 billion. The cap is a huge \$27.1 billion less than an administration request.

The committee also established this mark-up schedule:

- * Interior: Subcommittee July 6; full committee July 11.
- * Energy and Water: Subcommittee June 2; full committee June 15.
- * Transportation: Subcommittee July 14; full committee July 26.

Complicating the appropriations/budget procedure this year is a Republican demand that Democrats agree to enormous future year spending reductions in exchange for an increase in the federal budget deficit. If an agreement on the debt increase is not reached by August, the government could shut down.

The budget passed by the House April 15 would have line committees continue natural resources spending at the fiscal 2011 level of \$32 billion. In contrast House Democrats offered a competing budget that would increase natural resources spending substantially by \$5.2 billion to \$37.4 billion. The majority Republicans rejected it in a 166-to-259 vote. The House Democrats roughly matched the Obama administration's recommendation of \$37.4 billion for natural resources.

If the Senate Budget Committee

does complete a Congressional budget, it is expected to come closer on natural resources spending to the Obama/House Democrat number than to the House bill.

If the debt limit is not increased, the government may be forced to shut down. In the event of a closure Interior Department contingency plans would keep going a Dingell Johnson sport fishing program and a Pittman-Robertson sport hunting program, law enforcement and fire fighting. (The Dingell-Johnson and Pittman-Robertson programs derive their grant money from fees and taxes, so do not rely on appropriations.)

But the Interior contingency plan says that to be closed are "National Parks, National Wildlife Refuges, BLM public lands including campgrounds, visitor centers, concession services."

The contingency plan reinforces the closures saying, "Visitor centers will be closed and access to park areas denied, including the State of Liberty and Ellis Island, Independence Hall, Alcatraz, and the Washington Monument."

Some employees would work. "Based on the developed plans, approximately 52,300 of the 68,900 Department of the interior employees projected to be in pay status will be furloughed at the outset of a suspension of activities," says the department contingency plan.

California parks closure looks real this time around

Every year for the last four years California governors have proposed widespread closure of state parks paired with reductions in service. Each year parks supporters have turned back the proposals.

But this year it looks like the closures may happen. Gov. Jerry Brown (D-Calif.) has proposed closure of 70 of the state's 278 parks, with a heavy emphasis on small-visitation sites. And with a state operating budget deficit well north of \$10 billion the state legislature this year will almost certainly go along with cutbacks. Even after im-

posing massive, across-the-board spending reductions.

However, the California State Parks Foundation is a powerful advocate for parks within the state and will marshal its 120,000 members to lean on the legislature to restore a proposed \$11 million reduction.

California State Parks Elizabeth Goldstein promised to fight back, but she did not sound optimistic in a statement in response to the state budget. "Although park closures have been threatened before, this constitutes the first time in the 100 year history of California state parks that a serious, deliberate effort has been made to significantly reduce the state parks system," she said. "The message to our children and grandchildren is that we can't save their natural and historic legacy. They can no longer expect to have access to a public trust resource that should, by all rights, be theirs."

The environmental group Public Employees for Environmental Responsibility (PEER) warned the state May 25 that it could face unexpected consequences from closures. PEER said that because 13 of the sites were acquired with the help of the Land and Water Conservation Fund (LWCF), closure could require compensation to the federal government and bar the state from receiving LWCF money in the future.

"These shutdowns may jeopardize a larger national investment in California's magnificent park system," said California PEER Director Karen Schambach. "Our promises to keep parks open in perpetuity have to last beyond the next budget cycle."

California is not the only state imposing massive cutbacks in park services, including closures. From New York to Arizona to California state legislatures are facing the inevitable and reducing park and rec budgets.

But California with its enormous deficit and huge state park system may be facing the most widespread closures. The California Department of Parks and Recreation set these priorities for

keeping units open: "(1) protect the most significant natural and cultural resources, (2) maintain public access and revenue generation to the greatest extent possible and (3) protect closed parks so that they remain attractive and usable for potential partners."

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

All parks on the hit list are to be closed by July 1, 2012. California state parks said 92 percent of visitation in parks will be maintained and 94 percent of revenues from entrance fees, etc.

Gov. Brown stirred temporary excitement in the ranks May 16 when he announced that an unexpected increase in tax revenues would bring in an extra \$6.6 billion to state coffers, reducing the projected operating deficit from \$17.4 billion to \$10.8 billion. But he said the new money would be used for education and public safety, so the parks closure is still on track.

Again, the California state legislature must approve the budget before any closures can be carried out.

California's budget problems first threatened the park system in 2008, when 48 units were proposed for closure, only to be kept open by last-minute compromises. In 2009 the state proposed to close 220 of the state's 278 parks until again a last-minute budget compromise saved the day. Last year the state proposed to close or reduce hours in 60 parks, only to back off.

A broad coalition of tourism interests and conservationists put together a major voter initiative in the Nov. 2, 2010, election that could have protected California state parks in perpetuity.

But California voters rejected Proposition 21 that called for an \$18

fee on 28 million registered vehicles in the state. It would have applied the \$500 million per year to conservation purposes through a trust fund. The vote was 58 percent against to 42 percent for.

Of the \$500 million collected annually, 85 percent, or \$425 million, would have been allocated to the California Department of Parks and Recreation. The revenue would have replaced the \$130 million the state government now appropriates for state parks out of general revenues. So state parks in California will continue to be dependent on annual appropriations from the legislature.

Omnibus land bill possibility kicks up Senate GOP concerns

The Senate Energy Committee's practice of holding mass hearings on lands bills is not going over well with committee Republicans, forecasting a tough road ahead for any possible omnibus bill stemming from the hearings.

Case in point May 18. The subcommittee on Public Lands and Forests held a hearing on 20 bills the committee considered last year, including a measure to authorize year-round uses in national forest ski resorts.

Ranking subcommittee Republican John Barrasso (Wyo.) objected to the group hearings. "The subcommittee in my history generally has limited hearings to six or seven bills at a time. Half of our members are new and have not had an opportunity to consider these bills in a thoughtful manner," he said. "Many of these bills we are going to consider are going to suffer because we are not going to take time to consider them."

But subcommittee chairman Ron Wyden (D-Ore.) said Barrasso was reading too much into the hearing. "Most of these bills are completely noncontroversial," he said. "All have been considered by the subcommittee during the previous Congress. . . Today we simply want to update the record, allow the administration to comment on any changes that may have been made and allow subcommittee members to ask any questions."

Barrasso brought up another issue – the Obama administration's wild lands policy of December 2010 for Bureau of Land Management (BLM) lands. He said any bill that might propose BLM wilderness could be compromised by the policy.

"In the coming weeks the committee will consider BLM wilderness bills that would release WSAs (wilderness study areas)," he said. "Until our unresolved concerns about the President's wild land policies are resolved, these bills are going to face strong opposition by many members of the Senate concerned about releasing the WSAs only to have them fall prey to the President's wild lands policy. That is not an acceptable outcome." *(See related article page 9.)*

Among the measures before the subcommittee at the May 18 hearing were bills to clarify off-season ski resort uses, expand the Public Lands Corps, designate wilderness, authorize land exchanges and authorize land conveyances.

On May 25 the committee held a third hearing on leftover bills from last year that might be candidates for an omnibus. In the package this time was a Federal Land Transaction Facilitation Act extension bill (S 714) that would authorize BLM to sell lands and keep most of the proceeds for conservation purposes.

The May 18 hearing was the second the Senate Energy Committee has held. The subcommittee on National Parks held an initial hearing May 11.

Critics such as the American Land Rights Association believe the hearings are intended to lay the groundwork for an omnibus lands bill. But the committee majority insists the hearings do what Wyden said – refresh members on noncontroversial bills.

Last year's 1,003-page omnibus (S 303) died in December when supporters (1) ran out of time and (2) ran out of votes in the Senate. Western Republicans led the opposition to the measure. Senate Majority Leader Harry Reid (D-Nev.) pulled the plug Dec. 21, 2010.

The May 11 Senate Energy Committee

hearing included these four bills from the omnibus:

* REVOLUTIONARY WAR AND WAR OF 1812: (S 779) Would authorize the Park Service to acquire battlefields through fiscal 2022 with up to \$10 million per year for Civil War battles and \$10 million total for Revolutionary War and War of 1812 battles;

* NATIONAL PARK IN DELAWARE: (S 323) Would establish a First State National Historical Park in the State of Delaware to recognize in part the state's role in the establishment of the republic;

* VALLES CALDERA TRANSFER FROM NPS TO FS: (S 564) Would transfer 88,900 acres in the Valles Caldera of the Santa Fe National Forest to the National Park Service; and

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

The May 18 hearings considered, among other bills:

* SKI AREA SUMMER AUTHORIZATIONS: (New bills - S 382 and HR 765) Would make clear what uses ski resorts may and may not provide on federal lands in the off-season. The ski industry asked Congress to provide specific authority so member resorts could offer additional services in the summer off-season.

The May 25 hearing considered:

* FEDERAL LAND TRANSACTION FACILITATION ACT: (New bill this year - S 714) Would allow BLM to sell lands cleared by all land management plans, not just plans completed prior to 2000, as the old law does. Most of that money is used for conservation and acquisition.

Byways backers ask for help; Senate moving on roads bill?

As House and Senate committees prepare comprehensive, multi-year surface transportation bills, outdoor interests are trying to insure their favorite programs are included.

Most recently, 30-plus tourism, conservation and recreation industry groups came together to ask the committees to retain the National Scenic Byways Program as a set-aside program.

"The need for national coordination of this program - and especially better integration of the byways program with FHWA (Federal Highway Administration) support for roads on federally managed lands - makes the continuation of the byways program in its current form a priority," wrote the alliance called Friends of America's Byways May 20.

Meanwhile, key Senate Democrats and Republicans May 25 announced they have agreed to the general shape of a new multi-year surface transportation bill. Above all the four senators said their draft legislation would maintain current spending levels. By contrast the House Transportation Committee is expected to produce a bill that would slash spending severely.

The scenic byways Friends group did not seek a specific annual allocation in its letter. But it did note that the program received almost \$41 million last year. The money was allocated to communities in 43 states to finance 160 scenic byways projects.

The campaign for scenic byways follows closely on the heels of a separate campaign for support of a recreational trails program (RTP). On May 5 74 House members argued that RTP merits its continuation because it pays its own way. That is, the program is paid for by taxes on fuel used by snowmobiles, all-terrain vehicles, off-highway motorcycles, and off-highway light trucks.

Signatories to the RTP letter included influential Republicans such as Rep. John Petri (R-Wis.), a ranking member of the transportation committee, and Rep. Mike Simpson (R-Idaho), chairman of the House subcommittee on Interior appropriation, as well as Democrats.

Persuading the House Transportation Committee and the Senate Environment and Public Works (EPW) Committee to pony up money for RTP and scenic by-

ways in the next surface transportation bill won't be easy, particularly in the House. There House Transportation Committee Chairman John Mica (R-Fla.) has made abundantly clear his bill will recommend cutting surface transportation spending severely, from \$42 billion this year to as low as \$28 billion next year.

Further, Mica and leading Senate Republicans have also made it abundantly clear that they will attempt to eliminate all programs save for road and bridge construction. Mica calls them "fluff." And Sens. James Inhofe (R-Okla.), Tom Coburn (R-Okla.) and John McCain (R-Ariz.) have frequently criticized trails spending.

On the other hand Senate EPW Chair Barbara Boxer (D-Calif.) and the Obama administration have endorsed a \$556 billion, six-year surface transportation program with robust spending for such outdoor programs as scenic byways, recreational trails, transportation enhancements and Safe-Routes-to-School. However, if Boxer is now committed to existing funding levels, the Senate bill would come closer to \$340 billion.

Meanwhile, the House and Senate committees have fallen behind schedule for preparing a new bill. President Obama signed legislation March 4 that extended the old surface transportation law for seven months, or until the end of September (PL 112-5).

Congress established the National Scenic Byways program in 1991 as part of the Intermodal Surface Transportation Efficiency Act and has kept it alive ever since. The signature accomplishment of the program is the designation of 150 National Scenic Byways and All-American Roads in 46 states around the country. The designated roads are marked with distinctive signage.

Signing the letter from the Friends alliance were such disparate organizations as AAA, the American Motorcyclist Association, the National Association of Gateway Communities, the National Park Hospitality Association, the National Recreation and Park Association, the National Ski Areas Association, the National Wildlife Federation

and the U.S. Travel Association.

The byways letter was sent to Mica, Boxer and other ranking Republicans and Democrats on the House Transportation Committee and the Senate EPW committee.

In a related event last week the Senate Finance Committee held a hearing in search of money to pay for future transportation bills, above the \$28 billion per year collected from gasoline taxes. The panel would provide money to the EPW committee for the legislation.

Finance chair Max Baucus (D-Mont.) said the committee is already considering "alternative funding proposals such as the use of public-private partnerships, increasing the efficiency of the infrastructure bond market and creating a National Infrastructure Authority."

High on about everybody's list of candidates for new money is the concept of vehicle miles traveled.

They May 25 Senate agreement was struck by Boxer, Inhofe, Baucus and David Vitter (R-La.) on a program called Moving Ahead for Progress in the 21st Century (MAP-21).

While the senators said they would maintain current spending levels, they also said they would consolidate programs "to focus resources on key national goals and reduce duplicative and wasteful programs." That could lead to elimination of some outdoor programs.

The draft bill is also problematic because the senators have not identified a way to pay for it yet.

Rec community worries about 'sustainability' in FS plans

A broad alliance of recreation interests told the Forest Service earlier this month that a proposed planning rule should give greater priority to recreation.

Specifically, the coalition of industry and user groups recommended that the service clarify a proposal to make recreation environmentally and fiscally

sustainable. The Coalition for Recreation in the National Forests argued that the proposal infers that recreation use in an undefined way (1) must not degrade the environment and/or (2) must pay its own way.

"While laudable, perhaps, as a reflection of a philosophically supportive policy toward the environment, this term puzzles those of us in the recreation arena – since it is not a term commonly used," said the coalition. "In fact, the term raises a real risk of mischievous efforts to measure environmental – or perhaps economic – consequences of recreational activities in an imbalanced way."

Of economics the coalition said, "It is certainly not inconceivable that an opponent of some decision on recreational use of a national forest could attempt to use this term to reverse a publicly-developed plan, for example arguing that the revenues generated at a campground were insufficient to 'sustain' the capital investment and operating costs of the campground."

Of environmental impacts the coalition said that the "use of motorized recreation devices on trails could be attacked as 'non-sustainable' even if the emissions are inconsequential on a regional and national basis."

Signing the comments were, among others, the American Motorcyclist Association, the American Sportfishing Association, Americans for responsible Recreational Access, the BlueRibbon Coalition, the National Forest Recreation Association, the National Rifle Association and the Western States Tourism Policy Council.

Meanwhile, from a different perspective, the Western Governors' Association said May 16 the Forest Service should give states a much greater voice in the management of forests than is proposed in the draft rule.

Among other things the governors urged the Forest Service to more actively manage the forests, a kind of code for increased commodity uses. The letter was signed by Western Governors'

Association Chairman C. L. "Butch" Otter (R), who is also governor of Idaho, and association Vice Chair Christine O. Gregoire (D), who is also governor of Washington State.

Said Otter and Gregoire, "The Planning Rule must provide additional direction for an increase in large-scale forest restoration and more active management. The current definition of 'productivity' should be amended to include economic productivity."

And the governors urged the Forest Service to consult with states at almost every turn. "To facilitate coordination with state governments, the U.S. Forest Service should seek the policy advice of the Governor(s) on: the timing, scope and coordination of plan components; definition of planning areas; scheduling of public involvement activities; and the multiple use benefits and constraints on public lands, etc.," said the governors in their comments.

The recreationists and western governors were but two of several hundred parties submitting comments to the Forest Service on its proposed rule of February 14 that would guide individual national forests in managing their lands.

Back on April 22 a broad coalition of commodity groups and the powered-recreation industry asked the service to extend the comment period for 90 days beyond a May 16 deadline. The coalition said the additional time was needed to evaluate the input of an unannounced group of scientists who had reviewed and reported on the draft.

But the service did not extend the comment period despite the plea from the American Forest & Paper Association, the American Forest Resources Council, the National Mining Association, the National Cattlemen's Beef Association, and the Public Lands Council.

As required by the National Forest Management Act (NFMA) the Forest Service has since 1976 prepared 127 forest plans to guide land uses in 155 national forests and 20 grasslands (some plans cover more than one forest and/or grass-

land.) Under NFMA forest plans are to be revised every 15 years. However, the agency said dozens of the existing plans are overdue for revision because they should have been rewritten between 1998 and now.

The proposed rule and information about public comments are available at www.fs.usda.gov/planningrule.

Ms. Quimby's Maine Woods National Park gains traction

The obstacles are formidable, but the owner of large tracts of rural Maine land, Roxanne Quimby, came to Washington, D.C., this month to promote her plan for a Maine Woods National Park.

She reportedly met with NPS Director Jon Jarvis. The Park Service in turn is reportedly interested in her proposal to give the country 70,000 acres of woodland as a base for a national park.

Dave Barna, chief spokesman for Jarvis, said he assumed the conversation took place. "I don't know what they discussed, but we are always excited about new parks and access to public lands, particularly on the East Coast where we could use places to recreate."

But the path from idea to final designation of a national park is a long and torturous one. Almost certainly before Congress would pass legislation it would have the Park Service conduct a Special Resource Study. And the request would almost certainly have to be instigated by the Maine Congressional delegation.

However, the *Portland Press Herald* reported last month that Sens. Olympia Snowe (R-Me.) and Susan Collins (R-Me.) are apprehensive about federal control of so much land in the state.

Park supporters say Maine voters overwhelmingly support the idea. The National Parks Conservation Association (NPCA) commissioned a poll last summer that said 77 percent of Maine voters back a national park created in partnership with the state of Maine. The poll was conducted by Zogby International.

NPCA argues, "So much land has changed hands in recent years that some people believe if permanent land protection isn't in place soon, the last vestige of what was once an unbroken swath stretching from Maine to the Midwest will drown in a sea of subdivisions and shopping malls that have already claimed much of the East Coast."

A counselor to national park concessioners sees pluses and minuses in the proposal. "Anything new these days brings with it real trepidation," said Derrick Crandall of the National Park Hospitality Association. "On the other hand the opportunity almost couldn't be passed up. I think something in Maine makes a lot of sense."

Phil Sheridan, a spokesman for the Northeast Region of the Park Service said he was unaware of any request for a study of a Maine Woods National Park. "No," he said. "But that is the key thing to establishing a national park. In the last 20 years most begin with a national park Special Resource Study to make sure an area qualifies. That would probably be the next step."

The idea of a Maine Woods National Park and Preserve was initiated by the conservation group, RESTORE: The North Woods years ago. RESTORE says a park is needed because timber companies that once owned 10 million acres of Maine forest are rapidly selling off their lands.

And, RESTORE says, the buyers are often developers who will place the land off-limits to hunting, fishing, hiking and snowmobiling. In a grand trade-off the old timber companies traditionally made their lands available for hunting, fishing, hiking and snowmobiling in return for a right to harvest timber with minimal state regulation.

RESTORE recommended a huge, 3.2 million-acre national park and preserve that would be larger than Yellowstone National Park and Yosemite National Park combined.

That proposal has stirred great resistance from snowmobilers and campers who have traditionally been granted

liberal access to the privately-owned woods.

Enter Roxanne Quimby, who reportedly sold her interest in the health products company Burt's Bees for \$350 million. Among other things she owns a total of 120,000 acres of Maine woods.

Quimby, who was appointed a member of the National Park Foundation last year, is now trying to persuade the federal government to accept 70,000 acres for a national park. The land is adjacent to Baxter State Park, home of Mount Katahdin.

Quimby pays \$300,000 per year in taxes on the 70,000 acres, according to the *Portland Press Herald*. But backers say a national park would bring in a lot more money than \$300,000 per year.

To assuage snowmobilers and hunters Quimby has also proposed to establish a 30,000-acre state park where those uses could continue.

Mount St. Helens National Park campaign just a campaign

Tourism interests and environmentalists seized the 31st Anniversary of the Mount St. Helens volcanic eruption May 18 as an opportunity to hold a rally in support of converting the site to a national park.

They contend that the Park Service would protect the 110,000-acre Mount St. Helens more aggressively than the Gifford-Pinchot National Forest does. And they argue a national park would bring more tourism dollars into the area.

"Elevating Mount St. Helens to a national park will give our local visitor industry a tremendous boost and boy could we use it," said Mark Smith, owner of Eco Park Resort. "As a geologic feature of international stature, we should be able to compete with Washington's national parks. But without it being designated a national park, we're just not seeing the visitation."

To secure designation of a national park would require support from elected officials. The local House mem-

ber, Rep. Jaime Herrera Beutler (D-Wash.), said last year she supported Forest Service management, but she has also said she would reconsider that position.

Supporters worry that since 2007 budget cuts in the Gifford Pinchot National Forest have reduced visitor services and protection of the volcano's natural attributes.

President Reagan designated the Mount St. Helens National Volcanic National Monument in 1982, two years after a May 18, 1980, eruption killed 57 people and eviscerated miles of forests.

The 1980 volcanic eruption was the first in the continental United States in close to seventy years.

The Gifford Pinchot National Forest spends about \$1 million per year on Mount St. Helens, Sean Smith, a spokesman for the National Park and Conservation Association, told us once. As a Park Service unit he would hope Mount St. Helens would receive around \$4 million per year.

Last year an environmental law clinic at the University of Washington said the designation of Mount St. Helens National Volcanic Monument as a national park would provide immediate benefits to surrounding communities.

The Steve and Kathy Berman Environmental Law Clinic said that just the designation of Mount St. Helens as a national park would produce at a minimum \$400,000 per year in tourist dollars.

'Wild lands' focus on FY 2012; Barrasso sounds warning

The ink was hardly dry on a fiscal year 2011 appropriations bill blocking the Obama administration's 'wild lands' policy before the debate shifted to fiscal 2012, and beyond.

Sen. John Barrasso (R-Wyo.) set the tone at a Senate subcommittee on Forests and Public Lands hearing May 18 on 20 lands bills, including measures to designate wilderness on Bureau of Land

Management (BLM) land. He warned that the wilderness bills would not have an easy trip in the Senate.

"In the coming weeks the committee will consider BLM wilderness bills that would release WSAs (wilderness study areas)," he said. "Until our unresolved concerns about the President's wild land policies are resolved, these bills are going to face strong opposition by many members of the Senate concerned about releasing the WSAs only to have them fall prey to the President's wild lands policy. That is not an acceptable outcome."

Separately, Barrasso introduced legislation (S 1027) May 19 that would repeal permanently the Obama administration's wild lands policy of December 2010 that directed BLM to consider and designate wild lands. Congress has already passed legislation (PL 112-10 of April 15) that blocks the program in fiscal 2011, or through September.

Now the battle begins over the next fiscal year. Four House Democrats are already circulating a "Dear Colleague" letter seeking support for the wild lands program in fiscal 2012. The letter was drafted by Reps. Maurice Hinchey (D-N.Y.), Martin Heinrich (D-N.M.), Diana DeGette (D-Colo.) and Gerry Connolly (D-Va.)

The House subcommittee on Interior appropriations is scheduled to mark up a fiscal 2012 spending bill July 6, to be followed by full committee mark-up on July 11.

The wild lands policy is also being fought over in courts. Backed by the State of Alaska, the State of Utah filed a lawsuit April 29 to block it. The states argued, just as Utah counties did in a previous lawsuit, that only Congress has the authority to designate wilderness, and the Interior Department policy usurps that authority.

Secretary of Interior Ken Salazar kicked off the wild lands policy on Dec. 22, 2010, when he directed BLM to review lands with wilderness characteristics and to designate wild lands. Salazar

put that direction in Secretarial Order 3310.

The Obama administration says the policy makes no substantive change in the way public lands are managed. It is simply a clarification.

Argued BLM Director Bob Abbey in a recent piece in the *Albuquerque Journal*, "The Wild Lands policy doesn't change the management of a single acre of public land. It simply clarifies how the Bureau of Land Management should manage the public lands for all of the values and multiple uses for which it is responsible, from energy development to recreation and backcountry protection."

House Republicans have also mounted a broader attack at Obama administration wild lands policies. Led by House Majority Whip Kevin McCarthy (R-Calif.), they introduced legislation HR 1581 April 15 that would reverse a Clinton administration roadless area rule, block Salazar's 'wild lands' policy, and release Forest Service and BLM roadless areas to possible commercial uses.

Here's what McCarthy's House bill would do:

* BLM WILDERNESS STUDY AREAS (WSAs): release 6.74 million acres of WSAs for multiple use. The land is part of the 12.27 million acres that BLM has studied in 546 WSAs and recommended as not suitable for wilderness. The released 6.74 million acres would be managed under a Section 202 Land Use Planning provision of the Federal Land Policy and Management Act of 1976, which would protect some lands.

* FS INVENTORIED ROADLESS AREAS (IRAs): release 36.1 million acres studied by the Forest Service for possible wilderness designation in IRAs and recommended as not suitable for wilderness. The land was studied under a 1979 Roadless Area Review Evaluation. The released land would be managed under the Multiple-Use Sustained-Yield Act of 1960, which would protect some lands.

* CLINTON FS ROADLESS AREA RULE: revoke the 2001 Clinton administration

roadless area rule that limits road construction and timber sales on 58 million acres of national forest (many of them Forest Service IRAs.) It would also revoke a Bush administration roadless rule that allows states to petition for a state-specific rule to manage roadless areas in national forests.

* OBAMA WILD LANDS ORDER: terminate Secretary of Interior Ken Salazar's Secretarial Order 3310.

New parks overflight bill kicked down the road, again

We've lost track, but the House and Senate are now working on a temporary extension of existing air tour policy for either the 18th or 19th time. The new extension would run until the end of June.

The extension (HR 1893) is designed to give the House and Senate time to conference two very different Federal Aviation Administration (FAA) authorization bills with major implications for national park air tour policy.

The House approved the extension May 23 without opposition and the Senate followed suit May 24. President Obama was expected to sign the bill shortly.

The House approved its multi-year FAA bill (HR 658) April 1. It would establish new aviation policy in general and overflight policy in particular for the next four years. Among other things the bill would exempt parks with 50 or fewer air tours per year from preparation of an air tour management plan. It would also allow FAA and NPS to develop "voluntary agreements" with air tour operators to allow overflights without a management plan.

The Senate approved its multi-year FAA bill (S 223) February 17. It would establish new aviation and air tour policy for just two years. It would in general tighten regulations governing overflights. Among other things the bill would attempt to clarify the air tour responsibilities of the Federal Aviation Administration and the Park Service.

The new extension is needed because the last extension runs out at the end of May (PL 112-7 of March 31). While the House and Senate differ on overflight policy the overarching issues before a House-Senate conference committee are the price of a bill (House, \$59.7 billion; Senate, \$34.6 billion), the length of a bill (House, four years; Senate, two years) and airline worker union election rules.

As always, the parties talked optimism. Said House Transportation Committee Chairman John Mica (R-Fla.) of the bill (HR 1893) to extend the old law, "This extension is simply a back-up plan as negotiations on a long-term bill continue. The introduction of the extension will also serve to reserve debate time on the House Floor and ensure that Congress has an opportunity to consider final long-term legislation before the end of the month."

A formal House-Senate conference committee has yet to meet, although informal discussions are reportedly ongoing and the Senate has named conferees, led by Senate Commerce Committee Chairman John D. Rockefeller IV (D-W.Va.)

Both the House four-year bill and the Senate two-year bill are designed to revise existing law governing air tours. Even though Congress wrote a major overflight law in 2000 requiring air tour management plans in national parks, no plans have been written. That impasse is allegedly caused by differences of opinion between the FAA and the Park Service (FAA tends to work for the air tour operators, NPS works for the parks).

The National Parks Air Tour Management Act of 2000 (PL 106-181 April 5, 2000) was supposed to guide the FAA and NPS in coping with ever-larger numbers of air tours over the national parks, and in preventing accidents. FAA says it has received applications to fly over more than 100 national parks.

The Senate overflight provision, drafted by Sen. Ron Wyden (D-Ore.), would address the old problem of the division of labor between FAA and NPS. The provision in the Senate bill es-

entially says FAA is responsible for controlling airspace over the country and the Park Service is responsible for protecting the parks, giving NPS more muscle in disputes with FAA.

The Senate also included in its bill a provision that would assess fees on air tour operators large enough to pay for air tour management plans. The amendment was sponsored by Sen. Tom Coburn (R-Okla.), frequently a critic of initiatives to expand the National Park Service. His amendment simply gives the Interior Department authority to assess a fee, with the amount to be determined.

The House air tour provision would allow parks to negotiate "voluntary agreements" directly with air tour operators now in business. The voluntary agreements would have to meet the approval of FAA and NPS.

Notes

Urban spaces grants available.

The TKF Foundation is expanding its urban space grant program nationwide with a new \$5 million program, the foundation said this week. The grant money is to be used to create Open Spaces Sacred Places. The creators of the TKF Foundation, Tom and Kitty Stoner, use the word "sacred" not so much in the religious sense as in the natural area sense. "Today, we see that the idea of creating Open Spaces Sacred Places in nature, designed to provide an opportunity for a deeper human experience, is very compelling to a host of people across the spectrum: environmentalists, health care professionals, landscape designers, University presidents, corporate CEOs, and community activists, to name a few," the Stoners said. The foundation has helped establish more than 160 open spaces in the Baltimore-Annapolis-Washington region in the last 15 years. Now the foundation is going national. Tom Stoner developed the Stoner Broadcasting System, which CBS acquired. Information on applying for the grants is available at the website <http://www.opensacred.org>. The foundation plans website question and answer sessions June 16 and July 19. Applications are due by September 1 and final awards will be announced on Dec. 15, 2012.

Tester LWCF access bill praised.

Sportsmen are reacting favorably, as expected, to a new bill (S 901) from Sen. Jon Tester (D-Mont.) that would provide greater access to federal lands for hunting and fishing. S 901 would require the allocation of 1.5 percent of the total annual appropriation for the Land and Water Conservation Fund (both state and federal combined) to provide access to public lands for recreation, with an emphasis on hunting and fishing. Said Congressional Sportsmen's Foundation President Jeff Crane, "This legislation is an important step in opening access to federal land that is currently inaccessible or significantly restricted to sportsmen's activities. Access to quality habitat is a key to the future of our sportsman's way of life, and this bill will directly improve access to more public lands so all Americans can enjoy the great outdoor traditions of hunting and fishing."

One hold on FWS's Ashe pulled.

Sen. James Inhofe (R-Okla.) said May 18 that he is removing his hold on the nomination of Dan Ashe to be director of the Fish and Wildlife Service. However, other holds are still in place. Inhofe agreed to withdraw his hold after meeting with Ashe and Secretary of Interior Ken Salazar. At the meeting Inhofe said Ashe agreed to go to Oklahoma to address the potential listing of the lesser prairie chicken under the Endangered Species Act. At least one other hold is in place, that from Sen. David Vitter (R-La.), who is demanding accelerated offshore oil and gas leasing in the Gulf of Mexico.

Jarvis to head wilderness group.

NPS Director Jon Jarvis is the new chairman of the North American Wilderness Committee, a coalition of seven land management agencies from the United States, Canada and Mexico. The committee was formed in late 2009 to, among other things, increase transboundary cooperation. The other American committee members are Bob Abbey, director of the Bureau of Land Management; Greg Siekaniec, assistant director of the U.S. Fish and Wildlife Service; and Joel Holtrop, deputy chief of the USDA Forest Service. The Mexican and Canadian members are Mariana Bellot Rojas, director

general, Comision Nacional de Areas Naturales Protegidas, Mexico; and Alan Latourelle, chief executive officer, Parks Canada Agency.

OHVs oppose Marine expansion.

The powered-recreation advocacy group the BlueRibbon Coalition (BRC) is taking sharp exception to plans to expand the Marine Corps Air Ground Combat Center in 29 Palms, Calif. The coalition says the proposed expansion into the 180,000-acre Johnson Valley off-highway vehicle (OHV) area would essentially eliminate OHV use in six alternatives analyzed in an EIS. "BRC has reviewed the draft EIS and continues in our strong opposition to the entire project including the proposed withdrawal. BRC believes the EIS is fatally flawed and is not in compliance with NEPA," said Don Amador, western representative for the coalition. In comments submitted to the Marines BRC said the draft EIS doesn't provide meaningful alternatives, as required by the law, and doesn't justify the expansion.

GAO: Fed lands data spotty.

The Government Accountability Office (GAO) in a new report says five federal land management agencies do an erratic job of collecting and storing data. In a comprehensive survey GAO said the five agencies collected and stored successfully some kinds of data, such as the number of cultural sites and the number of filming permits. But the report said the agencies didn't collect so assiduously data on commercial development on the public lands, such as energy production. Of the data collected, GAO said, the quality was questionable. "GAO assessed the potential reliability of the data elements that the five agencies did collect and determined that less than half of the data elements stored in a primary agency data system were potentially reliable," said the report. The five agencies are the Bureau of Land Management, the Fish and Wildlife Service, the National Park Service, the Bureau of Reclamation and the Forest Service. The 121-page report, *Availability and Potential Reliability of Selected Data Elements at Five Agencies*, is available at <http://www.gao.gov/products/GAO-11-377>.

Y-stone sets snowmobile meets.

Yellowstone National Park said last

week it has scheduled six public meetings in June to consider a proposed new strategy for snowmobile use in the park - variable daily limits. On May 10 NPS proposed, beginning with this winter - 2011-2012 - to allow as many as 330 snowmobiles on peak days and as few as 110 on slow days. The average would be 254 machines per day. By comparison last winter - 2010-2011 - the park posted a daily limit of 318 snowmobiles per day. A 2004 plan allowed 720. Yellowstone has scheduled meetings for June 1 in Jackson, Wyo.; June 2 in Cody, Wyo.; June 7 in West Yellowstone, Mont.; June 8 in Bozeman, Mont.; June 21 in Lakewood, Colo.; and June 23 in Washington, D.C. In the proposed rule the Interior Department is trying to find a middle ground between environmentalists who recommend no snowmobiles in the park and users who would prefer something closer to the 2004 limits of 720 machines. The draft plan/EIS presents seven alternatives, ranging from no motorized use to up to 720 snowmobiles and 78 snowcoaches per day. The park intends to issue a final EIS, a decision, and a final rule before the start of the 2011-2012 winter season in mid-December. For more information on the plan go to <http://park-planning.nps.gov/yell>.

Border refuge opened to ORVs.

The Fish and Wildlife Service announced May 18 that it would open three roads to off-road vehicles (ORVs) within the Cabeza Prieta National Wildlife Refuge on the Arizona-Mexico border. The environmental group Public Employees for Environmental Responsibility (PEER) immediately objected. "Encouraging off-road recreation in one of the most sensitive and dangerous places in the country is reckless and foolish," said PEER Southwest Director and Ecologist Daniel Patterson. But the refuge said it would establish strict limits on ORV use. Only street-legal motorcycles and all-terrain vehicles could be used. ORVs would have to obtain permits. The use was approved based on a comprehensive conservation plan. Information on the plan may be obtained at <http://www.fws.gov/southwest/refuges/arizona/cabeza/>. In the bigger picture House Republicans and the Obama administration are battling over access to public lands by Border Patrol agents. Western House Re-

publicans say the agencies use environmental laws to deny access. Land managers deny the charge. The Government Accountability Office generally backs the Republican claims of denied, or delayed, access. The Republicans, led by House Natural Resources Committee Chairman Doc Hastings (R-Wash.) and Rep. Rob Bishop (R-Utah), introduced a bill (HR 1505) in April to guarantee DHS access to public lands along the border.

Rep. Hastings was ailing. House Natural Resources Committee Chairman Doc Hastings (R-Wash.) was hospitalized a fortnight ago for diverticulitis. He was unable to participate in House floor debate. Hastings's office said the Congressman returned to work in Washington, D.C. Hastings, 70, has returned to Washington State for his mother's funeral. She was 97.

Boxscore of Legislation

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