

Federal Parks & Recreation

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Health/physical activity eyed for Outdoors Initiative

It's more than six months before President Obama's Cabinet will submit policy recommendations on the administration's signature park and rec program - the America's Great Outdoors Initiative.

But already a number of widely divergent groups are talking up the importance to the country's health of exercise in the great outdoors. And those groups will almost certainly seek help from the Obama initiative.

In one major development a broad range of interest groups May 3 proposed a National Physical Activity Plan. A major plank in that plan calls for increased spending "for parks, recreation, fitness, and sports programs and facilities in areas of high need."

The National Recreation and Park Association (NRPA) is cochairing the plank. Said Barbara Tulipane, CEO of NRPA, "With the launch of the National Physical Activity Plan, our communities can harness our collective power and provide both increased space and opportunities for physical activity and recreation."

A spokeswoman for NRPA said the activity plan and the Great Outdoors Initiative could mesh. "One of the components of the national physical activity plan is ensuring that there are places, spaces and opportunities to engage in recreation and physical activity," she said. "The America's Great Outdoors initiative looks to protect and conserve areas that encourage children and adults to be outside and physically active. If you look at the components of both plans, they certainly complement each other."

NRPA is one of many groups sup-

porting the base plan, along with such big hitters as the AARP, the American Cancer Society, the American Medical Association, the Department of Agriculture and the YMCA.

More information on the activity plan is at <http://www.physicalactivityplan.org>.

In a separate but related initiative an alliance of doctors, recreationists and conservationists called Healthy Measures: Trailhead to Better Lives is attempting to link exercise to health. The alliance is supporting pilot projects that offer cost savings and rewards to people with chronic illnesses or unhealthy habits.

In one prototype the group is helping to sponsor a program in Fresno, Calif., between the SeeChange Health insurance group and an alliance of federal, state and local park interests. SeeChange Health, a start-up preventive health insurance business, is providing the \$100,000 reward money for healthy activities.

Recreationists are also hopeful that the Healthy Measures message can be transmitted to federal employees. The key figure there is Office of Personnel Management Director John Berry, who has a long history with outdoor recreation. Among other things he was a member of the Outdoor Resources Review Group, a blue ribbon commission that recommended last year a major overhaul of the nation's outdoor policies.

Those initiatives will not by themselves provide the big money needed to make park and recreation areas available to all Americans. That has such outdoor policy veterans as Derrick Crandall, president of the American Recreation Coalition, pondering new sources of appropriations.

Crandall said the existing Senate and House Interior appropriations subcommittees are not positioned to provide money for activities related to health and exercise. However, the Labor Health and Human Services subcommittee is, and it is allocating billions of dollars

from a new health care law, he said.

"We always look to the parks budget for help, but it doesn't have jurisdiction over preventive medicine," said Crandall, who also serves as counselor to the National Park Hospitality Association. "The Interior subcommittee emphasizes operations and maintenance of federal land. However, the Health and Human Service subcommittee does have jurisdiction over preventive medicine spending. If we want to put together some business, we'd better turn to the Labor and Health and Human Service subcommittee."

Indeed the enormous new health care law contains \$15 billion for preventive medicine relating to "infrastructure or programs to support active living," as *FPR* reported in the last issue.

The program would provide \$500 million in fiscal year 2010 (this fiscal year) and the annual allocation would grow gradually to \$2 billion by fiscal 2015. The law appears to guarantee the money.

However, a broad array of activities that are eligible for the money will be competing for grants. They include prevention of chronic diseases, prevention of secondary conditions, research, health screening and much more. The Center for Disease Control is in the Department of Health and Human Services, not a traditional conservation agency.

Still, active recreation squarely fits the purpose of the overall program - Prevention and Public Health. Section 4002 of the health law (PL 111-148 of March 23) establishes the fund, topped off at \$15 billion over 10 years. And Section 4201 of the law describes Community Transformation Grants that set conditions for distribution of the money.

All this activity ties back into the America's Great Outdoors initiative because President Obama said one of his major goals was to "help families spend more time outdoors, building on what the

First Lady has done through the 'Let's Move' initiative to encourage young people to hike and bike and get outside more often."

President Obama kicked off the America's Great Outdoors initiative at a White House conference April 16 and ordered his cabinet heads to report back to him by November 15 on content. He gave the Council on Environmental Quality the lead in assembling strategies.

At this point everybody appears to be guessing as to the final content of an initiative, including administration officials. They have gone out to the country to listen to suggestions.

But the administration will almost certainly be asked to support:

- * full funding for the Land and Water Conservation Fund,
- * revitalization of the National Park System in time for its 100th Anniversary in 2016,
- * the designation of a number of national monuments on Bureau of Land Management land,
- * an omnibus public lands and parks bill (as is in the works now in Congress), and/or
- * a direct link between health care spending and outdoor exercise.

Senate committee budget favors natural resources

If a miracle happens, the Senate will soon take up a fiscal year 2011 Congressional budget (S Con Res 60) that recommends an increase in natural resources spending above the budget request of President Obama.

The Senate Budget Committee last month adopted a "mark" prepared by chairman Kent Conrad (D-N.D.) that says, "The Chairman's Mark exceeds the President's request for the Department of the Interior and the Forest Service. It includes the President's proposal to increase funding for land acquisition programs."

For a greater Natural Resources

line item in the budget that also includes EPA, etc., the Senate committee would increase spending by \$940 million, from \$38.7 billion this year to \$39.6 billion in fiscal 2011.

Senate consideration of the committee budget would constitute a miracle because the odds are high against either the Senate or the House taking up a budget this year, let alone approving one. The odds are also high against taking up appropriations bills. Both houses are stymied by opposition from Republicans and blue-dog Democrats.

"It doesn't appear this is going to lead toward floor action," said Alan Rowsome, conservation advocacy associate for The Wilderness Society. "If they (the Senate or the House) don't pass a budget by May 15, they will probably pass a deeming resolution." Under a deeming resolution Democratic leaders would simply assign spending caps to appropriators, likely in the ballpark of President Obama's budget request.

At that point, perhaps mid-June, appropriations subcommittee will begin marking up their bills. While the Interior and related agencies spending bill is historically one of the first out of the box, it may be one of the last this year because of potential controversial amendments.

"Those amendments are going to be so polarizing they may bring spending to a halt - climate change, OCS (oil and gas moratoria in the wake of the Gulf of Mexico spill), border fences," said Rowsome. "The Interior bill is ripe for mischief."

It should be noted that budget recommendations are purely advisory; appropriators will decide how much to spend on what. Also, the Congressional budget does not go to the President.

Meanwhile, House Republicans are demanding that Congress approve a budget this year, even though those Republicans would almost certainly vote against any budget House Democrats might come up with. The Republicans say the Democrats owe it to the nation to try.

Without a budget the Republicans worry Congress will have one less curb on spending. All House Republicans wrote to Speaker of the House Nancy Pelosi (D-Calif.) last month demanding action on a budget.

Democratic leaders in both the House and Senate have quietly admitted that the political gridlock between Republicans and blue-dog Democrats on one side and traditional Democrats on the other virtually guarantees neither House will pass a budget this year.

Nevertheless, Conrad drafted a budget April 20. The Senate committee then approved the budget April 22, clearing the measure for Senate consideration.

Although Conrad included in his mark recommendations for increases in natural resources programs, for overall domestic discretionary spending he called for even more substantial reductions than the Obama administration in its fiscal 2011 request.

While the substantive recommendations included in a budget are purely advisory, the budget would establish an overall discretionary domestic spending cap that is mandatory. That cap would then be translated by appropriations committee leaders into spending ceilings for individual spending bills, if Congress approved a budget.

Most observers also expect that individual appropriations bills will run into political gridlock this year. That gridlock could well produce continuing resolutions that would keep agencies in money until after the November 2 elections at fiscal 2010 spending levels, followed by some sort of omnibus spending bill.

If Congress ultimately decides to extend fiscal 2010 spending into fiscal 2011, always a possibility, that would benefit most public lands programs. That's because the Obama administration in fiscal 2011 has requested at best flat spending for federal land management agencies.

The Congressional budget process calls for the House and Senate to complete their budgets by April 15. This year the House Budget Committee has taken no action and the Senate Budget Committees didn't begin discussing Conrad's draft until April 21.

State road agencies want cut of new livability money

State highway transportation officials made a pitch last month for a slice of upcoming "livability" transportation money for road construction.

The American Association of State Highway Transportation Officials (AASHTO) said the livability concept proposed by the Obama administration should not be limited to walking, biking and transit programs. It should also include roads.

"But what's been missing from the national dialogue on livability is what can be accomplished through road-related improvements," said John Horsley, the association's executive director. "Defining a livable community as one that encourages only alternatives to automobiles really doesn't work for the millions of Americans who have chosen the lifestyle that an automobile affords."

The Obama administration has proposed a \$530 million start-up for a livability program in fiscal year 2011 appropriations. In addition the House Transportation Committee also features the concept in a draft, six-year, \$500 billion surface transportation bill.

An aide to the author of that draft bill, House Transportation Committee Chairman James Oberstar (D-Minn.), said the livability provision does not rule out a role for roads in livability. Although he had not reviewed the AASHTO recommendation with Oberstar, the aide said, "The whole idea of livability is to take transportation holistically. It's not just transit and bike paths. It is all surface transportation."

To support its position that livability should encompass roads, AASHTO

April 23 published a report, *The Road to Livability*, that identifies 13 different ways that states are already making communities more livable. Those 13 techniques range from the creation of jobs to preserving scenic country roads to supporting tourism.

AASHTO pointed out, as it sometimes does, that park and recreation programs are using an increasingly large portion of the Highway Trust Fund, which is financed by gasoline taxes. Until the last two decades, the fund's money was spent almost exclusively on road construction. AASHTO said the states have spent \$5.2 billion on bike and pedestrian programs in the last ten years, capped by a \$1.13 billion expenditure in fiscal year 2009.

In its fiscal 2011 budget request the Obama administration proposed an initial \$527 million livability proposal through the Department of Transportation that would provide grants to state and local agencies. Of the \$527 million, \$200 million would help communities plan transportation alternatives to integrate housing, shopping and other activities in more, well, livable ways. A fiscal 2011 Transportation appropriations bill has yet to begin to move.

The House subcommittee bill is more complex. It would establish the livability program through 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 subcommittee approved the bill June 24, 2009.

The subcommittee bill would also extend for six years such outdoor programs as transportation enhancements, recreational trails, scenic byways, federal and Indian land roads, and Safe Routes to School.

The subcommittee bill has been stalled ever since last June because no one has figured out yet how to make up a \$125 billion to \$140 billion shortfall. Until the House Ways and Means Committee and others come up with the money, the bill sits.

For now an extension of the existing surface transportation law, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, will keep surface transportation programs in money until the end of the calendar year. President Obama signed the law March 18 (PL 111-147.) That gives Congress until December 31 to write and pass a comprehensive new five- or-six year law.

If and when money is found, the subcommittee draft will probably be the lead bill in Congress. Said the Oberstar staffer, "What we've heard from the press and officials' conversations with Oberstar the policy part of the bill appears to be solid. Barbara Boxer said she is going to use our bill as a framework for a Senate bill. And LaHood has told Oberstar he has not problems with the bill. Of course there will always be tinkering with the pieces but it's pretty solid."

Sen. Boxer (D-Calif.) chairs the Senate subcommittee on Environment and Public Works and LaHood is Secretary of Transportation Ray LaHood.

The AASHTO report is available at <http://www.transportation.org/>.

House panel opposes GOP demand for monument papers

The House Natural Resources Committee May 5 refused to accept a Republican demand that the Interior Department turn over to Congress all pages of an internal document that analyzed 14 possible new national monuments.

Although the committee did send to the full House the resolution (HJ Res 1254) without a committee recommendation, it is now up to the House Democratic leadership to bring the resolution to the floor. And, said a committee Republican staff member, it is "highly unlikely" the leadership will do that without committee support.

Republicans and Democrats on the committee were not completely at odds. Indeed, the committee voted against a

proposed recommendation that demanded internal Interior Department documents by a narrow 22-to-20 vote.

And committee Chairman Nick Joe Rahall (D-W.Va.) said he supported the first paragraph of the resolution that sought a limited number of specific documents. But he said he opposed a broad request for documents in the second paragraph of the resolution.

The first paragraph sought only the pages the House Republicans had been unable to obtain from an Interior Department analysis of 14 possible national monuments. Said Rahall, "If the pending legislation was limited to the matter contained in the first paragraph, I would be making a motion to report the resolution favorably."

But, Rahall said, he could not support the second paragraph, which sought "all" documents related to Secretary of Interior Ken Salazar's Treasured Landscapes Initiative. "The records caught up in this request could include just about every document produced by the Interior Department over the last 10 months," said Rahall. "This massive documents request comes at a time when the Interior Department is responding to an environmental disaster (the Gulf oil spill.)"

The administration did respond in part to the demands of H Res 1254 sponsor Rep. Doc Hastings (R-Wash.) May 4, the night before the committee mark-up. It forwarded 383 pages of materials related to the request.

But, complained Hastings, who had earlier obtained pages 15 to 21 of the Interior analysis, the administration did not provide pages 1-14 and 22 on. He said, "(A)fter reviewing the pages (provided) I am more alarmed than ever by the administration's refusal to come clean on their plans for new national monuments." Hastings said that while the Interior Department provided 383 pages it (1) withheld 2,000 more and (2) provided no attachments to E-mails.

Meanwhile, an alliance of retired public lands recreation managers, Professionals for Managed Recreation, wrote

President Obama last month and asked him to insure all interests have input before monuments are designated. The former rec managers said they "encourage you to collaboratively engage Congress, state and local government officials, recreationists and other local stakeholders before moving forward with any monument designations." The letter was signed by Tom Crimmins, a retired Forest Service official.

The administration has received a little support for its monuments policy from another alliance of federal land management retirees called the Public Lands Foundation. The foundation, an association of Bureau of Land Management retirees, on April 9 endorsed the use of the Antiquities Act by administrations past and present to protect huge landscapes.

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

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

The Southern Utah Wilderness Association (SUWA) will hold Salazar's feet to the fire and press for use of the Antiquities Act. "Some of the American West's most treasured landscapes were protected by Republican and Democratic administrations using authority under the Antiquities Act to establish national monuments, which later were often made national parks," SUWA said in an April 28 bulletin. "By pandering to Utah politicians, Salazar puts this administration at odds with the great conservation legacy that dates back to Teddy Roosevelt."

Top court appears to support cross within Mojave Preserve

It's not a cut-and-dried decision. But the Supreme Court seemed to say April 27 that Congress may authorize the siting of a cross on private land within a unit of the National Park System without violating the Constitution.

In the case before the court Congress in 2004 approved a land exchange that allowed the Veterans of Foreign Wars to own and display a cross on Sunrise Rock within the Mojave National Preserve. In the exchange the VFW received one acre and provided the government with five acres.

Congress passed the land exchange law to overcome a 2002 U.S. District Court decision that said the location of the cross on federal land within the preserve violated the U.S. Constitution's ban on the establishment of a religion by the government.

In its holding the Supreme Court did not say specifically that a cross on exchanged private land within a park preserve was Constitutional. Instead Justice Anthony Kennedy sent the case back to the District Court to determine if Congress violated the Constitution by locating the cross within the preserve, even if it is no longer on federal land.

However, Kennedy implied that the siting of the cross within the monument was Constitutional. "Placement of the cross on federal land by private persons was not an attempt to set the state's *imprimatur* on a particular creed," he said. "Rather, the intent was simply to honor fallen soldiers."

So it is not clear if federal land managers should or should not allow crosses on federal land.

In a lead dissent Justice John Paul Stevens was more direct than Kennedy in asserting that the land exchange made no difference - the federal government's role in ensuring the cross was displayed was unconstitutional.

"In my view, the District Court

was right to enforce its prior judgment by enjoining Congress' proposed remedy - a remedy that was engineered to leave the cross intact and that did not alter its basic meaning," said Stevens. "I certainly agree that the Nation should memorialize the service of those who fought and died in World War I, but it cannot lawfully do so by continued endorsement of a starkly sectarian message."

The environmental group Public Employees for Environmental Responsibility (PEER) last year objected to the Congressional action that authorized the exchange. "Not another penny of taxpayer money should be spent pursuing former Attorney General John Ashcroft's fundamentalist agenda," said PEER Executive Jeff Ruch, whose organization calls these Bush-backed religious efforts "Faith-Based Parks".

Ruch added, "The underlying land exchange is a nullity and should not be the basis for this Supreme Court tipping the scales on separation of church and state." Ashcroft was attorney general under President George W. Bush.

In the facts of the case in 1934 the Veterans of Foreign Wars erected an eight-foot high white cross in the Mojave Desert to honor the dead of World War I. But PEER board member Frank Buono, a former assistant superintendent at Mojave, objected to the cross and said it violated the constitutional separation of church and state doctrine.

In 2002 U.S. District Court Judge Robert J. Timlin of the U.S. District Court for Central California agreed with Buono and said the siting of the cross on federal land gave an impression that the government endorsed a particular religion, the Christian religion, and was unconstitutional. The VFW immediately put a shroud over the cross.

In 2003 the Bush administration supported a rider by Rep. Jerry Lewis (R-Calif.) that was attached to a Defense appropriations bill that authorized the trade of the one acre with the cross to the Barstow chapter of the "Veterans of Foreign Wars, Post #385E" for five acres.

In 2005 Judge Timlin held that the exchange was, in judge Kennedy's words, "an invalid attempt to keep the cross on display."

Now the Supreme Court has put the ball back in Timlin's court but with less than clear direction on how to proceed.

The case is identified as *Salazar (Interior Secretary) v. Buono (Docket No. 08-472, date April 28, 2010)*. It is available at the Supreme Court's website, <http://www.supremecourtus.gov>.

DoI backs Montana withdrawal to protect Glacier Park

The Obama administration April 28 endorsed legislation (S 3075) that would withdraw 575,000 acres of public lands in the Flathead River Basin of Montana from both new hard rock mining and new energy development.

The administration and conservationists said the bill would protect Glacier National Park from mining and oil and gas drilling. The park is part of the proposed withdrawal, even though its lands are already protected from mining and energy development.

The legislation from Montana Sens. Jon Tester (D) and Max Baucus (D) would complement steps taken by the British Columbia government to bar future mining in the Flathead River Basin on the Canadian side of the border.

Testifying for the Obama administration, Marcilynn Burke, deputy director of the Bureau of Land Management (BLM), said, "The Department supports S 3075 and commends the many parties involved in protecting the North Fork of the Flathead River and the important resources shared by the United States and Canada. We hope that this legislation and the efforts of the federal and state/provincial governments add to the important legacy of conservation in the Glacier/Waterton Lakes area and Flathead River basin."

More specifically, Burke said the

bill "will help protect and preserve the important resources of the greater Crown of the Continent ecosystem, including those within Glacier National Park."

Will Hammerquist, National Parks Conservation Association program manager for Glacier National Park, said, "While there is still work to be done to protect Glacier National Park and the North Fork, which will soon celebrate its 100th anniversary, this is a great step forward in preserving the legacy of the world's first International Peace Park."

Glacier National Park and Canada's Waterton Lake National Park make up the world's first International Peace Park. It is also a World Heritage Site.

Of great importance the holder of 108 of the 115 leases in the Flathead National Forest, ConocoPhillips, will voluntarily relinquish its leases, Tester said April 28. The ConocoPhillips leases extend over 169,000 of the 291,000 acres of the Flathead National Forest in the withdrawal area.

Said Tester, "There are just some places that are too valuable to us, to our kids, and to our grandkids to develop. The area next to Glacier National Park is one of them. I'm glad ConocoPhillips recognizes this and is voluntarily returning their leases to help protect this important landscape."

British Columbia and the Montana senators are concerned that proposed gold mining, coal mining and coal bed methane gas development would harm the river basin. The basin includes the World Heritage Site the Waterton-Glacier International Peace Park.

Environmentalists and Montana's senators have since last year pressured the British Columbia government to forbid development on the Canadian side of the peace park. The British Columbia government announced February 9 its position against development in an annual Throne Speech, presented by Lt. Gov. Steven Point.

The United States senators said

the Flathead is more valuable to the local economy as a magnet to visiting tourists and sportsmen than it is for mining. They said more than two million visitors come to the valley each year and spend more than \$150 million.

Kalispell Chamber of Commerce President Joe Unterreiner wrote the senators that the legislation is good for business: "The Chamber wishes to ensure that Glacier Park, the North Fork River, and Flathead Lake remain as economically productive as they are today. We think that oil and gas development in the Whitefish Range would be inconsistent with our interest to see the entire watershed protected from upstream (Canadian) pollution."

The legislation says its intent is "To withdraw certain Federal land and interests in that land from location, entry, and patent under the mining laws and disposition under the mineral and geothermal leasing laws." Thus, the land would be withdrawn from energy development as well as from hard rock mining. However, the bill would not withdraw mineral materials, which the Forest Service says are used locally for road maintenance and construction materials.

The bill may well end up in an omnibus lands bill later this year. Senate Energy Committee Chairman Jeff Bingaman (D-N.M.) has let it be known that he intends to try to move such an omnibus bill.

Conservationists ask for climate aid, if bill moves

If the Senate addresses climate change legislation this year - and the chances of that are unclear - conservationists want a seat at the table. They are asking Congress to provide guaranteed money in an upcoming climate change bill for federal and state land managers to cope with global warming.

"The science is compelling: Climate change has become the single-greatest threat to fish and wildlife and our sporting traditions," said William Geer,

director of the Theodore Roosevelt Conservation Partnership Center for Western Lands, at a rally a fortnight ago. "Dedicated funding for state and federal management agencies is critical in our ability to implement field-tested adaptive management strategies to address these threats, . . ."

Like the rest of the world the conservationists are waiting for three senators to put together a "compromise" climate bill that can get through Congress this year. The three - Sens. John Kerry (D-Mass.), Joseph Lieberman (I-Conn.) and Lindsey Graham (R-S.C.) - were scheduled to introduce a climate change bill last week.

That plan fell apart when Graham objected to a Senate schedule that could give immigration legislation a higher priority than climate change legislation. So Kerry, Lieberman and Senate leaders are still trying to put together (1) a bill that can gain Republican's Graham's support or (2) a bill that can pass the Senate without Graham's support.

After Graham threatened to pull out, Kerry said the game isn't over until it's over. "So don't get too caught up in the inside-the-Beltway parlor game of declaring reform efforts 'dead.' We're still pushing, we're still talking, we're still fighting, it's very much alive," he said.

The conservationists teamed up with labor unions and Congressmen April 20 at a Capitol Hill rally to pitch for the guaranteed money.

While the conservationists were attempting to gain a guaranteed wildlife protection fund from Kerry, Lieberman and, perhaps, Graham, seven Republican senators were seeking to exclude climate change impacts from EISs.

The seven, led by Sen. James Inhofe (R-Okla.), introduced legislation (S 3230) that says EISs may not assess "greenhouse gas emissions, or any climate change effects of those emissions, of a proposed action and alternative actions."

Most Republicans and a handful of energy state Democrats are opposed to comprehensive green house gas legislation approved by the House (HR 2454) and by the Senate Environment and Public Works (EPW) Committee (S 1733.) Thus Kerry, Lieberman and Graham are trying to write a more acceptable bill.

The House-passed bill and the Senate EPW bill already contain important park and rec policy provisions. They would make substantial changes in the management of conservation programs on federal and state lands by revising fundamentally management priorities for those lands. The bills would have every federal agency or department complete a plan to comply with standards in the legislation. States would have to take similar actions.

In addition the bills would establish a Natural Resources Climate Change Adaptation Fund that would provide billions of dollars to protect natural resources. In a major difference from the House bill S 1733 would guarantee money in the fund. The House would subject distribution of the money to appropriations in annual spending bills.

If the legislation doesn't work, the Obama administration March 29 formalized a schedule to impose climate change rules of its own. In the announcement EPA said it won't require major plants that produce pollutants over parks and public lands to limit green house gases before January.

Senate Majority Leader Harry Reid (D-Nev.) has said he will take charge of melding the Kerry, Graham and Lieberman bill with the EPW committee bill on the Senate floor, and soon.

But ranking EPW Republican James Inhofe (Okla.) told Fox News April 18 that the Kerry, Graham and Lieberman initiative will go nowhere.

Senate begins on WRDA; House earmark ban complicates

The Senate Environment and Public Works Committee will attempt to gain

enactment this year of a new Water Resources Development Act (WRDA) of 2010, committee chairman Barbara Boxer (D-Calif.) said last month. The committee took a step in that direction May 6 with an initial background hearing.

But the process has been greatly complicated in the House because the House Republican Conference March 10 voted to request no projects this year. So 120 House members who have already submitted requests will either have to rescind those requests or defy Republican leaders.

WRDA laws usually include hundreds of projects costing billions of dollars. House members have already submitted more than 2,200 requests.

A WRDA law in 2000 authorized a Comprehensive Everglades Restoration Project (CERP), an overarching \$7.8 billion federal-state initiative to revive the Everglades. And a WRDA law in 2007 authorized two major projects within CERP.

Boxer asked her Senate colleagues to submit recommendations for projects to be included in the next WRDA by May 18. She emphasized the jobs implications of a new bill. "From trade to transportation, disaster prevention to rural recreation, the Water Resources Development Act and the projects, policies, and programs it authorizes are essential components of creating jobs and keeping our economy growing," Boxer said.

To be clear WRDA bills only authorize projects. Appropriations bills must follow up with spending allocation to pay for them. Still, Democrats and Republicans normally work together to secure the enormous number of projects authorized by WRDA bills.

That is why the House Republican ban on earmarks is so important this year. The Republicans approved the ban to top Democrats who earlier this year approved a ban on for-profit earmarks.

House Transportation Committee Chairman James Oberstar (D-Minn.) de-

scribed the Republican problem at a House hearing April 15. "To date, I have received a handful of letters from Republican Members requesting that their project requests be withdrawn," he said. "In each case where a Member withdraws his or her project requests, I regret, the Committee will not be able to consider the project for inclusion in WRDA 2010."

But he said he expected some Republicans to defy the moratorium. "I also understand that some Republican Members have stated that they do not intend to comply with the Republican Conference directive because of the importance of these water resources projects, including flood control, navigation, and environmental restoration projects, to their constituents."

The House Transportation Committee kicked off WRDA 2010 in November by asking legislators to nominate projects. Oberstar said more than 2,200 projects are under consideration.

At an initial House committee hearing Nov. 18, 2010, members of the Florida Congressional delegation indicated they would request money for old and new projects under CERP.

Rep. Ron Klein (D-Fla.) put in a plug for one initiative known as the Broward Water Preserve Area projects in southern Broward County and northern Dade County. He said other Florida House members would on their own submit requests for other Everglades projects.

Completion of CERP promises to take many years of hard work. While Congress first gave direction to the then-estimated \$7.8 billion CERP in 2000, it must also (1) approve individual projects once feasibility studies are completed and (2) appropriate money to pay for the individual projects in annual money bills.

Congress demonstrated how difficult that two-step process can be when it approved the first two major CERP projects in a 2007 WRDA and then failed to fully fund them this fall in a fiscal year 2010 appropriations bill.

In the 2007 WRDA Congress authorized a \$1.365 billion Indian River Lagoon project, with half of the money - \$682.5 million - coming from the feds and half from the State of Florida. It also authorized a \$375 million Picayune Strand project with half the money - \$187.5 million - provided by the feds and half by Florida.

But in the fiscal 2010 Energy and Water spending bill (PL 11-85 of October 28) Congress removed most of the money the Obama administration had requested for the Indian River Lagoon, according to Rep. Tom Rooney (R-Fla.)

However, Sen. Bill Nelson (D-Fla.) said the jumbo economic stimulus law (PL 111-5 of February 17) would provide some of the needed money.

In the end the fiscal 2010 appropriations bill provides \$34 million less than the Obama administration had requested for the Everglades. Although the administration asked for \$214 million, Congress provided \$180 million in the law.

The massive recovery project, originally expected to cost \$8 billion, has now grown to \$22.5 billion, according to the *Miami Herald*.

The state has been busy on a second front. It has agreed to acquire 72,500 acres of sugar farms between Lake Okeechobee, a main source of water for Everglades National Park, and the park. However, as we reported in the April 9 issue local governments are running out of money for the acquisition.

NPS advisory board closely resembles NPCA commission

The Interior Department April 27 named eight members to a revived National Park Service Advisory Board from a blue ribbon commission on the national parks.

In the advisory board the eight, including former Alaska Gov. Tony Knowles (D-Alaska), will be in position to apply the commission's recommenda-

tions to NPS policy. Over the decades the board has ranged from a real independent power to a rubber stamp to whatever administration is in power.

Among other things the National Parks Second Century Commission recommended three big new funds, including full funding for the Land and Water Conservation Fund, revenues for the Historic Preservation Fund and a new fund to pay for park operations and maintenance.

In addition the commission called for a greater emphasis on education in the parks, guarantees that park policy would be based on independent science, and a greater emphasis on cultural resources.

The parks advisory board, composed of 12 members, will also be well situated to contribute to a Great America's Outdoors Initiative that the Obama administration kicked off April 16.

The National Parks Second Century Commission was chaired by former Sens. J. Bennett Johnston, Jr. (D-La.) and Howard H. Baker, Jr. (R-Tenn.) and handed in its report Sept. 24, 2009. It was sponsored by the National Parks Conservation Association.

The members of the board that served in the commission, in addition to Knowles, are: Prof. Linda Bilmes, Kennedy School of Government, Harvard University, Cambridge, Mass.; Milton Chen, PhD, Executive Director, The George Lucas Foundation, Nicasio, Calif.; Rita Colwell, PhD, University of Maryland, College Park, Md.; Belinda Faustinos, Executive Officer, San Gabriel and Lower Los Angeles Rivers and Mountain Conservancy, Azusa, Calif.; Carolyn Finney, PhD, Assistant Professor, University of California, Berkeley, Calif.; Gretchen Long, Board Member, World Resources Institute, Wilson, Wyo.; and Margaret Wheatley, EdD, Board President, Emeritus, The Berkana Institute, Provo, Utah.

In addition Salazar appointed these four non-commission members to the NPS advisory board: Paul Bardacke, Se-

nior Partner, Sutin, Thayer & Browne, PC, Santa Fe, N.M.; Leonore Blitz, President, Leonore Blitz Consultants, Ltd., Washington, D.C.; Judy Burke, Mayor of Grand Lake, Colo.; and Ronald James, Nevada State Historic Preservation Officer, Carson City, Nev.

Notes

Salazar bites Cape Wind bullet. Secretary of Interior Ken Salazar approved April 28 a Cape Wind energy project in the ocean off Cape Cod in the face of complaints from historic preservation advocates. Salazar did require the sponsor of the project, Energy Management, to change the configuration of the turbines to reduce visual impacts and he ordered the number of turbines be reduced from 170 to 130. 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 from two Wampanoag Indian tribes, who say the sound is sacred to them. The Interior Department said it would continue negotiations with the tribes, but the tribes sounded as if they intended to file a lawsuit. The National Trust for Historic Preservation recommended that the project be moved to a different site away from Nantucket Sound. The trust said the sound composes the nation's first National Historic Landmark District. The Interior Department said the project would provide 75 percent of Cape Cod's electricity requirements. The project was opposed by the Kennedy clan but is supported by a number of area Democrats, including Massachusetts Gov. Deval L. Patrick. The project could begin producing energy as early as late 2012.

Senate hears NPS praise. A Senate Commerce Committee subcommittee held a feel-good hearing April 27 on increasing visitation to the National Park System. The subcommittee on Competitiveness, chaired by Sen. Amy Klobuchar (D-Minn.), did not have specific parks visitation legislation before it, nor does it have oversight responsibility. Still, the hearing gave Klobuchar an opportunity to listen to filmmaker Ken Burns talk about

his new documentary, *The National Parks: America's Best Idea*. Burns said, "Even in times of economic distress, the parks are worth promoting, defending, and expanding. They are good for business, but equally good at providing much-needed, affordable recreation during these hard times." The subcommittee noted that in 2008 tourists accounted for \$11.6 billion in spending in gateway communities.

DoI opposes filming fee bill. The Bureau of Land Management (BLM) opposed for lots of reasons April 28 legislation (S 1241) that would require an annual fee permit for film crews of five or fewer persons on federal lands. The bill would apply to Department of Interior agencies and to the Forest Service. The proposal, from Sen. James Inhofe (R-Okla.), would do away with any additional fees and would not allow the agencies to regulate the operations of the film crews. Marcilynn Burke, deputy director of BLM, told the Senate Energy Committee at a hearing on the bill, "The department is concerned that an annual permit, as proposed in S 1241, could result in the agencies losing their ability to regulate where filming could take place, the duration of filming, and other conditions under which filming could take place. In addition, it appears that such a permit, as proposed, could be issued by a manager from one agency within the department and be valid for one year on lands administered by other departmental agencies."

GOP opposes de facto FS wilderness. House Republicans last month told the Forest Service it has no business managing as wilderness areas the service recommends as wilderness. The 18 Republicans, led by House Natural Resources Committee Chairman Doc Hastings (R-Wash.), said only Congress may designate wilderness areas. The Republicans were responding to a January 26 letter to the Forest Service initiated by Rep. Raúl M. Grijalva (D-Ariz.) that asks the service to provide greater interim protection for recommended wilderness areas. In a letter to Forest Service Chief Tom Tidwell, Grijalva and 72 of his House colleagues had asked the chief to insure 3 million acres currently recommended for wilderness in forest plans are pro-

tected until Congress acts on the recommendations. Said the Grijalva letter, "We ask that you take immediate steps to preserve the Congressional prerogative to designate wilderness by issuing national guidance on the management of agency-recommended wilderness. This guidance should prohibit the authorization of activities, such as use of motorized vehicles, that adversely affect the wilderness qualities of the recommended areas to a significant degree." But the Republicans said Congress has given the Forest Service no such authority. "It is a baseless, twisted reading of the law to suggest that Congress intended to allow an agency to administratively declare an area as recommended for wilderness designation and then to manage that area exactly as if Congress had taken action to make such a designation," said Hastings and the Republicans. The Republicans said in an April 19 letter to Tidwell that management for wilderness "places severe limitations on public access to public lands, prohibits motorized and mechanized recreation. . ."

'Udall' building bill moving. The Interior Department headquarters building in Washington, D.C., may soon be named the Stewart Udall building. The House Transportation Committee April 29 approved by voice vote legislation (HR 5128) to designate the building as the Udall building. Legislation is also pending in the Senate where Sen. Jeff Bingaman (D-N.M.) introduced a counterpart bill (S 3428) last month. Also sponsoring the Senate bill were Udall's nephew, Sen. Mark Udall (D-Colo.), Senate Majority Leader Harry Reid (D-Nev.) and Sen. John McCain (R-Ariz.) Udall died at 90 March 20 after a fall at his home in Santa Fe, N.M. During his watch Congress passed the Wilderness Act, the Land and Water Conservation Act, the National Historic Preservation Act, the Wild and Scenic Rivers Act and the Endangered Species Act. Udall served as secretary during the Kennedy and Johnson administrations in the 1960s. After leaving the department he continued to champion protection of the nation's wild lands. Stewart Udall was the older brother of former Rep. Morris Udall (D-Ariz.), who made a run at the Presidency. Stewart Udall was also the fa-

ther of Sen. Tom Udall (D-Ariz.) Said House Transportation Committee Chairman James Oberstar (D-Minn.) when his panel addressed HR 5128, "Given his lifetime commitment to championing, conserving, and appreciating the earth's natural resources and beauties, I find that it is entirely fitting and appropriate that we designate the main office building for the Department of the Interior as the 'Stewart Lee Udall Department of the Interior Building.'" Rep Martin Heinrich (D-N.M.) is the lead sponsor of the House bill.

Kiernan is staying at NPCA. Tom Kiernan, the president of the National Parks Conservation Association (NPCA), isn't going anywhere. Kiernan said a fortnight ago he will remain president of NPCA and not take a job as the head of the New Hampshire Charitable Foundation. On February 3 NPCA had said Kiernan would leave the organization in June and join the New Hampshire foundation. Over the last 12 years in Kiernan's tenure at NPCA, the organization's budget almost doubled, jumping from \$17 million to \$33 million. NPCA also increased staff from 65 to 165 people. The New Hampshire foundation provides \$34 million per year in grants for a civic agenda in the state.

Wildlife corridor bill pushed. Rep. Rush Holt (D-N.J.) and three other Democrats introduced legislation (HR 5101) April 21 that would protect wildlife corridors on public lands and private lands. Among other things the bill would establish a wildlife corridors grant program to help federal agencies, states, local governments, nonprofits, and corporations protect wildlife corridors. The sponsors said their bill fits with President Obama's declaration at an America's Great Outdoors Conference that wildlife corridors are important.

NPS ranger given citizenship award. Kawther Elmi, an immigrant from Somalia and a park ranger at the Lincoln Memorial in Washington, D.C., was named last month as an Outstanding American by Choice. The U.S. Citizenship and Immigration Services presented Elmi with the award. Elmi, who was granted asylum in 1989 and went on to earn a masters degree, tells visitors to the Lincoln

Memorial of the President's contributions. Said NPS Director Jon Jarvis, "Not only does Ranger Elmi set an example by her passion her work, her life embodies a poignant struggle and determination that exemplifies one of the very reasons the National Park Service exists - to preserve our nation's important places and tell our people's stories." Elmi was born in Ethiopia.

Conference calendar

MAY

18-20. **National Association of Recreation Resource Planners annual** meeting in Portland, Ore. Contact: National Association of Recreation Resource Planners, P.O. Box 221, Marienville, PA 16239. (814) 927-8212. <http://www.narrp.org>.

26-28. **National Hydropower Association** annual meeting in Washington, D.C. Contact: National Hydropower Association, One Massachusetts Ave., N.W., Suite 850, Washington, D.C. 20001. (202) 682-1700. <http://www.hydro.org>.

JUNE

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

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

JULY

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

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