

Federal Parks & Recreation

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In this issue. . .

Jarvis warm to more NPS visitors.

Also wants to make the parks mean something to guests. NPS may be taking Salazar cue. Burns rerun may boost numbers Page 1

LWCF support from all directions.

Senate chairmen call for full funding of \$900M per year. May attach to other bill(s) Page 3

Grijalva praises NPS commission.

Calls for greater legislative commitment to recommendations. He will have a lead role ... Page 5

Landfill near Joshua Tree halted.

Court says EIS sounds like an ad for world's largest dump two miles from Joshua Tree Page 6

Comments favor Grand Canyon ban.

100,000 support withdrawal of million acres from mining .. Page 7

FLAME also looks to out-years.

And fire-fighting fund provides money for fiscal 2010. Page 9

Climate change bill future cloudy.

As usual in Senate. No announcements on new floor bill Page 10

Y'stone snow regs due out today.

Park is sticking by limits of 318 users a day. Pols irked ... Page 11

New SAFETEA extension pushed.

Leading Senate committee members ask Reid for 6-month vote .. Page 12

Notes Page 13

Boxscore of Legislation Page 16

Jarvis to begin 'relevance' campaign by naming new aide

New Park Service Director Jon Jarvis is expected to take an initial step shortly in his campaign to make the national parks "relevant" by appointing a new associate director for education. The associate director position would replace the old associate director for Partnerships and Visitor Experience.

By relevance Jarvis means, simply, making the National Park System meaningful to Americans and foreign visitors. As he told park employees in an E-mail in September after assuming office, "There is deep concern out there that national parks will become irrelevant to a society that is disconnected from nature and history. We need to help all Americans discover a personal connection to their national parks."

Jarvis's concerns about relevancy surface just as visitation to the parks appears to be emerging from a decade-long slump. Still, the Park Service is concerned about the slump.

"The population has increased and the number of parks keeps going up," said David Barna, chief spokesman for NPS, "but visitation had been going down. That's why you are going to see a lot of talk about relevancy of the National Park System to the American people. That's why the policy emphasis on relevancy."

Barna said that, system-wide, NPS anticipates a five percent increase in visitation this year. The increase is largely attributed to a recession that has persuaded Americans to choose less-expensive recreation experiences in the parks rather than, say, Disney resorts. He said Yellowstone National Park and Yosemite National Park are receiving record numbers of visitors.

Although Barna has said publicly that the National Park System could hit the 300 million-visitor mark next year, he backed off a little bit November 13. "That's real optimistic," he told us. "I don't think we're necessarily going to hit that."

The big unknown, he said, is a multi-part Ken Burns film on the national parks. It was broadcast this fall on public television after the peak visitation season and will be rebroadcast in January. "Everyone is waiting to see what impact the Burns film has on visitation," he said. "It will run again in January and that's when most people are making plans for their summer vacations."

For decades there has been tension between advocates of increased visitation - often as expressed by concessioners and gateway communities - and protectionism - as expressed by environmentalists, some Park Service employees and some Democratic Congressmen.

But that tension may be easing, in part due to Secretary of Interior Ken Salazar. He has actively encouraged the American people to visit the parks to help boost the economy. Among other things he and the Obama administration established three entrance fee-free weekends during the peak summer season.

In addition to the involvement of Salazar in overseeing the National Park System, a national commission of distinguished Americans on September 24 presented a report recommending substantial changes in the operation of the parks. The National Parks Second Century Commission, chaired jointly by former Sens. J. Bennett Johnston, Jr. (D-La.) and Howard H. Baker, Jr. (R-Tenn.), called for a greater emphasis on education in the parks, guarantees that park policy be based on independent science, and an emphasis on cultural resources.

The commission, in association with its sponsor the National Parks Conservation Association, held a conference November 4 and 5 in Knoxville, Tenn., to figure out how to begin imple-

menting its recommendations. Some 100 people attended the conference, including NPS leaders. (See related article page 5.)

In his speech to NPS employees Jarvis outlined these priorities:

* **Relevance:** Jarvis said in interviewing candidates for park superintendent positions over the years most said the top issue facing the parks was relevancy.

In his E-mail to NPS employees Jarvis said, "I believe every American will relate to and cherish their national parks if given the chance to connect, by technology or by visiting. Beyond parks, our recreation and historic preservation community assistance programs reach and benefit families near their homes in ways that the parks cannot. I plan to expand these programs."

In running the Park Service Jarvis has reportedly said he will listen most closely to regional directors. He himself served as regional director for the Pacific West Region of the parks for the last seven years.

* **Education:** As a first step Jarvis will shortly appoint a new associate director for education and interpretation. That associate director will play a key role in implementing Jarvis's relevance priority. The new associate director will replace Chris Jarvi, currently associate director for partnerships and visitor experience. Jarvi will retire from NPS at the end of the year, said Barna. Said Jarvis, "There are many partners in the educational community who will welcome us, and I intend to reach out to them. To elevate this function, I will create an Associate Director for Education and Interpretation."

* **Stewardship:** In October Jarvis named Dr. Gary Machlis, a professor of conservation at the University of Idaho, as the first science advisor to the director of NPS. Machlis will advise not only the director on science matters but also the Congress, the Interior Department and about anyone else with an

interest in the parks. Machlis once served as visiting chief social scientist to the Park Service. Said Jarvis, "As stewards of our national parks, especially considering the challenges of climate change, we must be visible leaders using the sustainability of our facilities and operations, to demonstrate the best in energy and water conservation."

* Workforce: Jarvis promised to take care of employees of the Park Service. "Your welfare and safety will always be my top priority. To help you succeed, we will provide the funding, training, succession planning, recognition, facilities, and policies you need to get your work done," he said in the E-mail.

LWCF receiving full funding support from several quarters

Senate Energy Committee Chairman Jeff Bingaman (D-N.M.) and Senate Finance Committee Chairman Max Baucus (D-Mont.) teamed up a fortnight ago to introduce legislation to guarantee \$900 million per year for the Land and Water Conservation Fund.

On paper their introduction of S 2747 is but one of a half-dozen initiatives this year that back the program. But the Bingaman and Baucus proposal matters because they are in a position to do something about it. Bingaman chairs the Senate authorizing committee that oversees LWCF and Baucus chairs the Senate Finance Committee that has a say in where federal tax money goes.

The senators are mindful that a stand-alone bill that ties up \$900 million per year without the involvement of appropriators will be difficult, if not impossible, to move. "Obviously, a bill like this would be difficult to move as a free-standing bill," said an aide to Bingaman. "Obviously, (Bingaman) recognizes that. I don't think we are under any pretense that it would not be hard to do."

However, the staff member said supporters were not totally ruling out a

stand-alone bill. "Not if we saw an opportunity. Then we would try to avail ourselves of it," he said.

More likely, Bingaman and Baucus will attempt to add their proposal to other major legislation, such as a giant climate change bill or another major measure. "It could be climate or it could be some other things," said the Bingaman staff member. "We have in the past moved a lot of bills at the end of the year in catch-all bills."

Meanwhile, the Obama administration continues to follow up on the President's promise to ramp up LWCF spending to a full \$900 million by fiscal year 2014. Secretary of Interior Ken Salazar met November 10 with members of a National Parks Second Century Commission, which recently recommended full funding for LWCF, and discussed his closely-related Treasured Landscapes initiative.

It is understood that Salazar would like to reach full funding for LWCF well before the fiscal 2014 date. "He's definitely committed to reach full funding faster than the President," said one source familiar with Salazar's thinking.

Salazar has mentioned numerous times this year his goal of a national version of a Colorado GOCO program he helped develop as a state official. Instead of using lottery money to help pay for conservation programs he would use oil and gas leasing royalties, the source of money now for LWCF.

The Salazar national initiative will almost certainly be framed by the Treasured Landscape proposal. How that would work out practically has not been revealed, but the first hints could come when the administration trots out its fiscal 2011 budget on Feb. 2, 2010. The Interior Department and the Office of Management and Budget are scheduled to make key (private) calls on that budget this month.

With that background the Bingaman-Baucus bill hit the streets November 6. S 2747 mirrors a provision in a compre-

hensive public lands energy bill (HR 3534) from House Natural Resources Committee Chairman Nick Joe Rahall (D-W.Va.)

Both measures would simply guarantee full funding each year for LWCF without further appropriations. The bills do not address any other provisions of the existing LWCF law, such as a split between federal and state sides and distribution formulas.

THE CLIMATE-CHANGE OPPORTUNITY: If the Bingaman-Baucus and Rahall bills don't move by themselves, LWCF may be a candidate for inclusion in climate change legislation. As one recreation industry lobbyist told us in the last issue of *FPR*, of all the proposals to help LWCF now circulating climate change legislation is the most doable in the immediate future.

The Senate Environment and Public Works Committee November 5 approved a comprehensive climate change bill (S 1733) that already includes a substantial allocation to LWCF. The program would receive 12 percent of pollution fees (called allowances) allocated to a Natural Resources Climate Change Fund. The money would be guaranteed. The bill is waiting floor action.

The House has approved a counterpart climate change bill (HR 2454) that also includes a natural resources fund with LWCF as a major entitlement. However, the House would not guarantee the money and it would have to be appropriated each year.

Bingaman and Baucus attempted to reinforce Senate interest in the Natural Resources Climate Change Fund when they introduced a stand-alone bill to establish the fund (S 1933) on October 27.

In addition to the Natural Resources Climate Change Fund already in the bill, Bingaman and Baucus supporters are considering the addition of their LWCF \$900 million guarantee bill.

THE LANDRIEU-MURKOWSKI INITIATIVE: Sens. Lisa Murkowski (R-Alaska) and Mary Landrieu (D-La.) have introduced legis-

lation (S 1517) to provide assistance to LWCF that has worse prospects than the climate bill. S 1517 would set aside 12.5 percent of royalties from new offshore oil and gas development for state recreation grants. But it would not apply to existing offshore oil and gas development where, by definition, most production takes place and most royalties come from.

The odds against S 1517 are long because the Senate Energy Committee in June completed bipartisan energy legislation (S 1462) that Bingaman hopes to add to the climate change bill. S 1517 is also a long shot because it would open new portions of the Gulf of Mexico for leasing and would encourage leasing off some mid-Atlantic states. There is stiff resistance to both proposals.

On the upside the Landrieu-Murkowski bill dovetails with Salazar's frequent recommendation that the nation use offshore oil and gas royalties to pay for conservation programs.

THREE MAJOR REPORTS ENDORSE LWCF: A blue ribbon commission called the Outdoor Resources Review Group (ORRG) July 6 recommended among other things "full" funding for LWCF of \$3.2 billion per year. The program is authorized at \$900 million per year, but the commission report says inflation should increase the payout to \$3.2 billion.

The ORRG also called for the study of a broader, \$5 billion per year fund to replace LWCF beginning in 2015. Sens. Bingaman and Lamar Alexander (R-Tenn.) were honorary co-chairs of the ORRG.

A National Parks Second Century Commission September 24 recommended full funding for LWCF at \$900 million per year. Members of the commission, chaired jointly by former Sens. J. Bennett Johnston, Jr. (D-La.) and Howard H. Baker, Jr. (R-Tenn.), met with Salazar November 10 to discuss details of the implementation of the commission's report.

At the meeting the discussion focused primarily on LWCF and not so

much on other needs of the National Park System, it is understood.

Finally, the National Association of Recreation Resource Planners (NARRP) submitted its own recommendations October 1 for a broad new, intergovernmental approach to recreation.

The NARRP would shake up the federal oversight of recreation by moving LWCF out of the Park Service and into a new national recreation agency. The new national coordinating agency would, as its title implies, work with the 20 or so federal agencies that have outdoor recreation responsibilities.

As for LWCF NARRP said that moving the fund into a national coordinating council would cut down on the federal-state competition for LWCF money that often leaves state and local governments with little or no money.

The three cochairs of the NARRP committee preparing the report were Jeff Frey, senior planner for the Wisconsin Department of Natural Resources and NARRP board member; Rick Just, chief of planning for the Idaho Department of Parks and Recreation and president of NARRP; and Glenn Haas, professor emeritus at Colorado State University and vice president for development of NARRP.

INTEREST GROUPS BACK SENATE BILL:

Conservation and recreation groups of all stripes praised Bingaman and Baucus for introducing their stand-alone bill, S 2747, to guarantee \$900 million per year. The alliance of groups included the Outdoor Industry Association, state officials, the National Parks Conservation Association, the National Recreation and Park Association, and the Trust for Public Land.

In one representative comment New Mexico House Majority Leader Kenny Martinez said, "We get to protect places like La Cienega Area of Critical Environmental Concern and Petroglyph National Monument at the same time that we improve parks, trails, ball fields, and pools - that's a win for everyone. It's heartening to see Senator Bingaman taking steps to fully fund this program and enrich our communities."

NPS commission gets a boost of sorts from Rep. Grijalva

Rep. Raúl M Grijalva (D-Ariz.), the man who oversees the National Park Service in the House, says a blue ribbon commission's report on the national parks generally "reaffirms" his positions.

That is, the report endorses such broad concepts as environmental safeguards and increased spending on conservation programs. "This report underscores the need for greater legislative commitment to our nation's greatest natural treasures," said Grijalva, chairman of the House subcommittee on National Parks, Forests and Public Lands, last month.

In a headline recommendation the National Parks Second Century Commission September 24 called for at least three major new or revised sources of money to help the parks. One recommendation would have Congress and the White House establish a national park endowment.

A second recommendation would have the President name a commission to raise funds to prepare the park system for its centennial in 2016. A third would have Congress fully fund the Land and Water Conservation Fund (LWCF.) (*See previous article.*)

As a subset to those recommendations the commission called on Congress to look for predictable sources of money for the parks, such as oil and gas royalties.

The commission, chaired jointly by former Sens. J. Bennett Johnston, Jr. (D-La.) and Howard H. Baker, Jr. (R-Tenn.), held a forum November 4 and 5 in Knoxville, Tenn., to figure out how to begin implementing its recommendations. Some 100 people attended the conference, including NPS leaders. The commission was sponsored by the National Parks Conservation Association.

On November 10 commission members met with Secretary of Interior Ken Salazar in Washington, D.C., to review

the recommendations. It is understood that at that meeting most of the discussion addressed funding, including Salazar's Treasured Landscapes proposal. That proposal has not been fleshed out yet but it is expected to promote greater spending for land acquisition, in large part.

By definition Grijalva will play a crucial role in writing authorizing legislation if the commission's work is to amount anything more than a roll of paper on a shelf. However, he does not hold a position on the House Appropriations Committee, where most money decisions are made.

The commission did not address just money in its report. It called for a whole new look at just about all park issues, beginning with a national plan that is more "representative of America" and that places the national parks within a "network of protected areas."

As part of the new shape of the National Park System the commission recommended a greater emphasis on National Heritage Areas (NHAs.) The National Heritage Area system that is overseen by the Park Service has grown willy-nilly, as influential legislators have gained designations almost on an ad lib basis.

The commission said, "The Congress of the United States should authorize, clearly define, and base fund a system of (NHAs.)" It also called on Congress to "(e)ncourage, where possible, the establishment of heritage areas in association with national parks."

Heritage areas usually consist of a mix of public and private lands with striking social, economic, historical and natural features that don't in their entirety rise to the level of national parks. Some NHAs do actually include national park units.

Once Congress designates an NHA, the Park Service works with local public and private partners to prepare a management plan. And NPS provides technical assistance. A new fiscal year 2010 appropriations law provides \$16.8 mil-

lion for NHA grants. That is \$1.1 million above a fiscal 2009 appropriation of \$15.7 million.

In a series of recommendations the Second Century commission came perilously close to what western Republicans consider the third rail of national park management - buffer zones. The commission recommended that Congress at least toy with the concept of buffer zones when it recommended a new use for the LWCF to acquire "conservation easements beyond existing park boundaries, and other means, to protect historic landscapes, conserve biodiversity, and connect parks with the broader ecosystems on which they depend."

Separately the commission recommended, "The Congress of the United States should establish directives to encourage compatible uses of lands adjacent to national parks that are managed by other federal agencies."

Finally, it said, "The National Park Service should identify improvements to authorities, budgets, and programs that would enhance its ability to reach beyond park boundaries and deliver technical and financial aid that supports the protection of locally important natural, cultural, and historic landscapes."

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

Concluded Rep. Grijalva, "This report makes it clearer than ever that our public land is one of our country's greatest resources, and that Congress needs to ensure that its value does not diminish from neglect or lack of care."

Giant landfill near Joshua Tree is shut down by court

A federal appeals court last week blocked the construction of a mammoth landfill within two miles of Joshua Tree National Park, holding that the government failed to perform an adequate envi-

ronmental review of the proposal.

Environmentalists cheered the court's decision to send a proposed land exchange back to the Bureau of Land Management (BLM) for further analysis. BLM had prepared an EIS in support of the exchange of federal lands with private lands owned by the landfill project's sponsor, Kaiser Ventures LLC.

"Today's ruling is a landmark victory for Joshua Tree National Park's bighorn sheep, desert tortoises, and the 1.3 million people who come here every year to enjoy our beloved national park," said Mike Cipra, California Desert program manager for the National Parks Conservation Association. The association brought the lawsuit.

But in a 49-page dissent in the two-to-one decision of the Ninth U.S. Circuit Court of Appeals, Senior Circuit Judge Stephen S. Trott held that BLM's environmental analysis and decision to approve the exchange were adequate.

"Our well-meaning environmental laws have unintentionally made such an endeavor (a landfill) a fool's errand," said Trott. "This case is yet another example of how daunting – if not impossible – such an adventure can be."

He said that on the bottom line BLM's analyses sufficed. "The final irony is that my colleagues send the case back to (BLM) to do something BLM has already adequately done: consider the value of the land involved as a commercial landfill," Trott wrote.

But Judge Harry Pregerson ruled for the majority that BLM's EIS read like a promotion for the project and failed to analyze enough alternatives. "The BLM adopted Kaiser's interests as its own to craft a purpose and need statement so narrowly drawn as to fore-ordain approval of the land exchange," Pregerson said. "As a result of this unreasonably narrow purpose and need statement, the BLM necessarily considered an unreasonably narrow range of alternatives."

Pregerson also held that BLM

failed to evaluate the use of lands transferred to Kaiser in an highest and best use analysis. "(T)he highest and best use analysis should have taken the reasonably probable use of public lands for a landfill into consideration as part of the highest and best use analysis," he said.

The Eagle Mountain landfill would be the largest in the nation. It would accept 200,000 tons of trash each day for 117 years. Pregerson said the trucks would run up to 16 hours per day, six days a week.

In the land exchange Kaiser would receive 3,481 acres of BLM land and permanent rights-of-way to the landfill. In exchange the company would transfer 2,846 acres of private land that contain critical habitat for the desert tortoise. The landfill itself would cover 4,654 acres.

The decision, *National Parks & Conservation Association v. Kaiser Eagle Mtn.*, 05-56814, of November 10, is available at <http://www.ca9.uscourts.gov/opinions/>. Scroll down to decision 05-56814.

Opponents of mining next to Grand Canyon win comment war

Environmentalists are hailing the nearly 100,000 public comments submitted in favor of withdrawing from uranium mining for 20 years a million acres of public lands near Grand Canyon National Park.

The environmentalists include Rep. Raúl M. Grijalva (D-Ariz.), chairman of the House subcommittee on National Parks, Forest and Public Lands. "The public has sent an unmistakable message that our national parks are not resources to be exploited," he said. "They are set aside and treated respectfully for good reason. Future generations should be able to enjoy them as much as we enjoy them today."

"The public clearly wants the Grand Canyon protected from uranium mining," echoed Taylor McKinnon, public

lands campaigns director for the Center for Biological Diversity. "This massive show of support confirms the fact that watersheds feeding the Colorado River are no place for a radioactive industrial zone."

The million-acre area is already protected for two years by a segregation notice posted by the Bureau of Land Management (BLM) on July 21. The notice effectively banned new mining on the same million acres until the 20-year withdrawal could be completed.

Also on July 21 BLM asked for public comment on the 20-year withdrawal of new uranium claims on 633,547 acres of BLM-managed land and 360,002 acres of Kaibab National Forest in Arizona. BLM is the lead agency but is working with the Forest Service, the U.S. Geological Survey, and the National Park Service. The comment period deadline ended October 19.

While the segregation clearly prevents the staking of new uranium claims, as would the 20-year withdrawal, less clear is the impact on 10,600 existing mining claims in the area. Technically the claims enjoy valid existing rights status and may be developed.

But the mining industry says the overarching 1872 Mining Law isn't that simple. To obtain permits to begin mining claimants must prove they have made a valid mineral discovery and thus own valid existing rights. Miners are concerned that only claims that could be economically developed contain valid existing rights and that development of all other claims may be barred for the foreseeable future.

NEW LITIGATION: In a related development three environmental groups November 16 filed a lawsuit against BLM's approval of exploration activities on an Arizona 1 mine within the segregated area 20 miles north of Grand Canyon. The environmentalists, including the Grand Canyon Trust, argue that BLM should redo environmental reviews on the long-delayed mine that began in the late 1980s.

But the mining industry says such exploration activities on claims of five acres or less do not require explicit BLM approval under a Notice of Intent. The regulations give BLM 15 days to review a proposed activity but don't require specific BLM approval.

Thus, the BLM action consists more of simple acceptance of the exploration work done by Denison Mines Corp. rather than specific approval, industry contends.

Arizona Sens. John McCain (R) and Jon Kyl (R) and former Sen. Dennis DeConcini (D) oppose the proposed million-acre withdrawal. They argue that a withdrawal would violate an understanding the Arizona Congressional delegation reached in 1984 on statewide wilderness legislation. The deal called for designation of more than one million acres of wilderness in exchange for release to commercial uses of other roadless areas, including the area containing the uranium claims.

In announcing the two-year segregation and the proposed withdrawal Secretary of Interior Ken Salazar said the department would not rush to judgment on a withdrawal. "Over the next two years, we will gather the best science and input from the public, members of Congress, tribes, and stakeholders, and we will thoughtfully evaluate whether these lands should be withdrawn from new mining claims for a longer period of time," he said.

But the same press release that says Salazar will be fair contains fulsome praise for the park's natural features, giving a strong signal as to which way the department is leaning.

"An iconic American landscape and World Heritage Site, Grand Canyon National Park encompasses 1.2 million acres on the Colorado Plateau. The park, which draws 4.4 million visitors each year, is home to numerous rare, endemic and specially protected plant and animal species and contains vast archeological resources and sites of spiritual and cultural importance to American Indians," the department said.

Grijalva is fully committed to a withdrawal. He has introduced legislation (HR 644) that would permanently withdraw the million acres of public lands adjacent to the park.

Environmentalists have already filed a major lawsuit to force the government to make the withdrawal. Environmentalists argue in their litigation that the withdrawal order not only bars

FLAME provision applies to out-years; money not sure

In establishing a landmark emergency fire-fighting fund last month Congress laid the groundwork for an ongoing program beyond just fiscal year 2010.

The Federal Land Assistance Management and Enhancement Act (FLAME) not only authorized use of emergency funds in this fiscal year, it also extended the program into future years.

However, Congress still must appropriate money each year after fiscal 2010, unless by chance there is unused money left over from the previous year.

Sen. Jeff Bingaman (D-N.M.), one of the sponsors of the FLAME provision, urged diligence. "The success of this legislation ultimately depends on the support of the Administration and Congress, but we have charted a new and clear course to that success, and that is a significant accomplishment," he said.

Congress authorized the FLAME Act as a rider to a fiscal year 2010 public lands appropriations law (PL 111-88 of October 30.) The law includes an appropriation of \$474 million for FLAME in fiscal 2010, with \$413 million for the Forest Service and \$61 million for the Interior Department. The odd amounts were based on agency estimates of emergency fire-fighting spending in fiscal 2009. All told for fiscal 2010 Congress put up more than \$3.5 billion for fire fighting.

The Forest Service views FLAME as

a crucial step in avoiding the transfer of line appropriations to fire fighting. "We're confident it is going to give us a good first line of defense," said James Hubbard, deputy chief of the Forest Service for State & Private Forestry.

"We'll keep Congress and the Office of Management and Budget appraised on a regular basis of expenditures from the fund," he added. That would theoretically give Congress time to approve more emergency appropriations, if needed.

The FLAME money couldn't be used until either the Secretary of Agriculture or the Secretary of Interior issued a declaration of an emergency fire. The law sets three criteria for an emergency: (1) a fire of 300 or more acres, (2) a fire that threatens life or property and (3) fires that occur after agencies have used up other fire-fighting appropriations.

Hubbard said that roughly 60 fires would have qualified for FLAME assistance in fiscal 2009 and 200 in fiscal 2008, had the law been in effect.

Altogether the National Inter-agency Fire Center reported this week that in calendar 2009 the nation has had more than 76,000 fires that have burned more than 5.8 million acres. The 10-year average is 75,549 fires and 7,066,012 acres.

Congress inserted language in the bill to avoid complicated bureaucratic procedures that would delay the declaration of emergency fires. The law says, "The conferees expect the Agencies to develop a streamlined declaration process that minimizes the administrative burden and ensures that funding is made available for eligible wildfire events in an expedited manner."

Hubbard said he believed the Forest Service could streamline its declaration procedure. "I'm not concerned that we'll be overly bureaucratic," he said.

Western senators and House mem-

bers, backed by a broad base of interest groups, drafted the FLAME bill to prevent federal land management agencies from borrowing from line operations to fight emergency fires.

Secretary of Agriculture Tom Vilsack and Secretary of the Interior Ken Salazar November 6 praised Congress for approving the FLAME money. "The Obama Administration is committed to conserving and protecting America's forests, and we are grateful for Congress' work to create a stable means to fund wildland fire management," Vilsack said. "Creation of the Wildfire Suppression Reserve Fund enables safe and effective management of wildland fires without pulling resources away from other environmental priorities, such as clean, abundant water and safe, healthy communities."

The departments said in a joint press release, "Since 2002, the USDA Forest Service has transferred more than \$2 billion from other Forest Service programs to help cover the costs of suppressing wildfires. While the transfers enabled the agency to continue wildfire operations, fund transfers had detrimental effects on other agency programs, even when the transfer funds were repaid through supplemental appropriations."

Climate change bill future in Senate uncertain, as always

Senate Democratic leaders have made no public announcements this week indicating progress in reaching agreement on a climate change bill (S 1733) for Senate floor consideration.

However, Sen. Barbara Boxer (D-Calif.), chairman of the Senate Environment and Public Works Committee (EPW), did publish statements of support for the bill from a wide range of businesses, including the Pacific Gas & Electric Corp.

But while Senate leaders negotiate the obstacles in front of them are growing by leaps and bounds. Perhaps most important the lead Senate bill that

leaders are tinkering with was approved by the EPW committee with no Republican support, despite a smattering of business endorsements.

In addition Senate leaders intend to wrap into S 1733 input from other committees, such as the Senate Energy Committee and the Senate Finance Committee. That may provide an opportunity for conservation, because the chairmen of those two committees introduced legislation S 2747 November 6 that would provide full funding for the Land and Water Conservation Fund (LWCF.) (See related article page 3.)

Even without the LWCF provision S 1733 would make major changes in the management of conservation programs on federal and state lands. The Senate EPW climate bill would affect federal and state conservation lands by establishing a huge fund and by revising fundamentally management priorities on federal lands.

Much like a House-passed climate change bill (HR 2454), the Senate committee bill would have every federal agency or department complete a plan to comply with the bill's orders. States would have to take similar actions.

The Senate and House 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 appropriators in annual spending bills.

To add emphasis to the provision four senators October 27 introduced a stand-alone bill (S 1933) that, like the committee bill, (1) directs agencies to tackle climate change and (2) establishes a Natural Resources Climate Change Fund. Senate Energy Committee Chairman Jeff Bingaman (D-N.M.) is the principal sponsor. He acknowledged that his bill is similar to the adaptation fund provisions in S 1733.

The Obama administration largely

supports the Senate EPW bill.

Although the Senate EPW Committee November 5 approved a comprehensive version of S 1733 committee Republicans boycotted the meeting and, at this point, don't appear willing to participate in the writing of a bill.

Committee Democrats approved the bill 11-1 on their own. Under Senate rules without Republican participation the committee was forced to approve S 1733 unamended as it was brought to committee. (Democratic Sen. Max Baucus (Mont.) voted against the bill because he wanted the committee to consider some of his proposed amendments.)

At the moment the Senate powers that be are reportedly negotiating the details of a substitute climate bill to replace S 1733 as the lead Senate floor measure. The main sponsor of S 1733, Sen. John Kerry (D-Mass.) is working on a separate deal with Sens. Lindsey Graham (R-S.C.) and Joseph Lieberman (I-Conn.)

The climate legislation would affect all federal agencies, with the Park Service and the Fish and Wildlife Service at the head of the pack.

Separately, Congress has begun to act on climate change in appropriations bills. Congress approved last month a fiscal year 2010 Interior appropriations bill (PL 111-88 of October 30) that includes \$382 million for climate change programs. President Obama signed the bill into law October 30.

The federal planning requirement in the Senate EPW bill would give agencies one year to complete plans. Secretary of Interior Ken Salazar is already moving in that direction with a September 14 Secretarial Order #3289 that directs his agencies to incorporate climate change into all decisions.

Final Yellowstone snowmobile rule irks Wyoming leaders

In the face of opposition from Wyoming politicians from both parties, the Park Service intends to publish a

regulation today (November 20) that would reduce by half the daily number of snowmobiles allowed in Yellowstone National Park.

The park said earlier this week it will establish a cap of 318 snowmobiles per day this winter, beginning December 15, and a cap of 78 snowcoaches per day. The plan would apply for the next two winters while NPS prepared a more permanent plan.

Wyoming Gov. Dave Freudenthal (D-Wyo.) and the state's Congressional delegation oppose the cap; they recommend a higher ceiling. "This policy continues the Park Service's unacceptable pattern of limiting public access to the public's lands," he said November 18.

Freudenthal, who carries extra weight as a Democrat, expected the administration to compromise from its initial proposal of July 24 to a cap of less than 318 snowmobiles.

The governor called for a more flexible approach. "A better solution than the inflexible ceiling the Park Service is proposing is a variable use rule. That would allow more visitors into the park on days when more folks want to go to Yellowstone, particularly Christmas, New Years Day and Presidents Day."

In a press release in October the governor's office said the state has asked the Tenth U.S. Circuit Court of Appeals to refer existing litigation against the rule back to the U.S. District Court in Wyoming. The state would then have District Court Judge Clarence Brimmer reinstate a 2004 temporary rule that allowed up to 720 snowmobiles per day.

The all-Republican Congressional delegation from Wyoming was more predictably opposed to the plan, first enunciated by Secretary of Interior Ken Salazar.

Wyoming Sen. John Barrasso (R), who sits on the Senate subcommittee on National Parks, said when the Park Service first proposed the rule in October,

"This decision ignores the primary mission of our national parks. The Administration's proposal will limit public access and harm our local communities. Putting limits on public access is not required by law and is not backed by science. The Administration has put politics ahead of management by limiting public access to our parks."

The rest of the Wyoming Congressional delegation - Sen. Mike Enzi (R) and Rep. Cynthia Lummis (R) agreed with Barrasso.

When the rule was first proposed environmentalists were resigned to it, although they prefer no snowmobiles in the park. Like the Wyoming Congressional delegation, snowmobile users were not as accepting. Both sides said they would concentrate on the more permanent plan, without ruling out litigation.

The park said its final rule will follow the recommendation of a finding of no significant environmental impacts (FONSI) that it published October 15. That is, the 318 snowmobile and 78 snowcoach caps. The park said then the caps "represent an 8.2% increase in snowmobiles and a 123% increase in snowcoaches over the next two years compared to the 2007-2008 average of 294 snowmobiles and 35 snowcoaches per day."

The 318-snowmobile cap is down from the 720 snowmobiles per day allowed last winter under a Bush administration rule. The peak number of daily snowmobile visitors last winter was 426. An average of 205 snowmobiles daily entered the park in 2008-09.

The Park Service said in December it had no choice but to allow significant snowmobile use last winter because of a Nov. 7, 2008, opinion from Brimmer that required the cap of 720 snowmobiles per day.

Brimmer's decision countermanded a Sept. 15, 2008, decision by Judge Emmett Sullivan in the U.S. District Court for the District of Columbia that had thrown out still another Park Service proposal that had recommended 540 snowmobiles per day last winter.

NPS said in October the two judges had canceled out all past regulations, leaving NPS with no rule to guide it. "Thus, without regulatory action by the NPS, no OSV (over the snow vehicle) access would have been permitted," the park said in its FONSI. Before writing the FONSI NPS did prepare an environmental assessment (EA.)

NPS rejected the recommendation of "many" commenters on the EA that snowmobiles be banned in favor of snowcoaches because of new research, it said. "In previous NEPA analysis from 2000 through 2004, the NPS had determined that snowcoaches were the 'least impacting' means of access to the park in the winter," said the FONSI. "However, recent research has demonstrated that guided snowmobile groups and snowcoaches are roughly equivalent, in terms of environmental impacts per visitor."

No action on longer SAFETEA; key senators call for vote

Congress at press time had not addressed legislation to extend an existing surface transportation law, but influential senators from both parties were demanding action.

Four Senate committee leaders and three ranking committee Republicans wrote Senate Majority Leader Harry Reid (D-Nev.) November 17 and asked him to bring up legislation (HR 3617) that would extend the existing law for six months. Such an extension would replace a temporary extension that keeps the law in effect until December 18.

The Senate committee leaders want Reid to hold a vote to break a threatened filibuster against HR 3617. "We believe a multi-month extension of SAFETEA-LU is the best solution," said the committee leaders in a letter to Reid. "It would give states the certainty they need to plan and contract for transportation infrastructure projects."

Among the signatories were Senate Environment and Public Works Committee Chairman Barbara Boxer (D-Calif.) and

ranking committee Republican James Inhofe (R-Okla.) Also signing were the chairman and ranking Republican on the Senate Commerce Committee and the Senate Banking Committee and the chairman of the Senate Finance Committee.

To replace the temporary extension until December 18 the House and Senate are debating the best next step: (1) the six-month extension (the Senate Environment and Public Works Committee approved such a bill (HR 3617) September 23); (2) an 18-month extension to allow time to write a new six-year transportation law; and (3) quick passage of a new six-year law (the House subcommittee on Highways and Transits June 24 did approve such a bill (unnumbered.))

Inhofe worried about a crowded Senate calendar. "With talk of health care legislation coming up in the near future, I remain concerned that Congress will run out of time to get the extension done, costing states further loss of money and jobs," he said.

The three-month extension until December 18 was included in a fiscal year 2010 Interior appropriations law (PL 111-88 of October 30.) It effectively maintains spending levels under the last surface transportation law, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU.)

House Transportation Committee Chairman James Oberstar (D-Minn.) is the lead advocate of an immediate new six-year law. Senate leaders, with the support of the White House, have argued for an 18-month extension of SAFETEA-LU.

The House subcommittee on Highways and Transits June 24 has approved a six-year, \$500 billion surface transportation bill (unnumbered), called the Surface Transportation Authorization Act of 2009.

The subcommittee bill is generally supportive of park and rec programs. The Surface Transportation Authorization Act of 2009, as it is formally called, would extend for six years such outdoor programs as transportation enhancements

(still at 10 percent of total allocations for the Surface Transportation program), recreational trails, scenic byways, federal and Indian land roads, and Safe Routes to School. All the programs except enhancements would receive individual allocations of unspecified amounts.

But the bill won't move until money is found to supplement gasoline taxes that finance a Highway Trust Fund. Gas taxes now make up only about half the needed \$500 billion. House Ways and Means Committee Chairman Charlie Rangel (D-N.Y.) said that he would not let the legislation move until he is convinced the House is willing to put up the money.

Notes

Feds announce land acquisitions.

The Interior Department and the Department of Agriculture November 16 said they will attempt to acquire seven parcels of inholdings in the West under an unusual federal law. That law, the Federal Land Transaction Facilitation Act (FLTFA), authorizes the Bureau of Land Management (BLM) to sell off isolated tracts and use the money to acquire private property from willing sellers. FLTFA acquisitions may add to land managed by BLM, the Park Service, the Fish and Wildlife Service, and the Forest Service. The seven latest acquisitions total 5,026 acres and are expected to cost \$11.7 million. The largest is a 4,573-acre parcel within the Canyons of the Ancients National Monument in Colorado managed by NPS. An announcement of the proposed purchases said the Canyons of the Ancients parcel "accounts for about 25 percent of the private lands inside the Monument and contains 25 documented sites of cultural importance." Said Richard Moe, president of the National Trust for Historic Preservation, of the Canyon of the Ancients acquisition, "This property was one of the most important cultural properties in the United States not in federal ownership." Acquisitions under FLTFA are made by the secretaries of Interior and Agriculture. Since 2007, they have approved more than \$66.8 mil-

lion in land acquisitions of 28 parcels covering 16,700 acres.

Flight 93 groundbreaking held.

Secretary of Interior Ken Salazar and Pennsylvania politicians broke ground November 7 on a Flight 93 National Memorial in Shanksville, Pa. Salazar, Pennsylvania Gov. Ed Rendell (D), Sen. Bob Casey (D-Pa.) and families of the passengers on Flight 93 participated. Salazar had announced September 1 that the federal government had reached agreement with seven of the eight landowners at the site of the September 11, 2001, crash in Somerset County. And the eighth - and most important landowner - has agreed to allow a federal court to determine a price. The supporters project completion of the memorial by Sept. 11, 2011, on the 10th anniversary of the crash. Family members of victims, private citizens and the general public have contributed to land acquisition for, and construction of, the memorial. The usual bottom-line cost estimate is \$57 million for the 2,200-acre memorial. Of that \$18 million has come from federal funds. Salazar estimated federal land acquisition costs of \$9.5 million.

Blumenauer boosts Safe Routes.

Rep. Earl Blumenauer (D-Ore.) and nine cosponsors introduced legislation (HR 4021) a fortnight ago that would expand a Safe Routes to Schools program to include high schools. The program now addresses just elementary schools. Said Blumenauer, one of the most dedicated bicyclists in Congress, if not the most dedicated, "The Safe Routes to Schools program has been extraordinarily successful, with over 4,500 programs across the country, but it currently does not cover high schools. High school students represent a population most likely to suffer from high rates of obesity and also most in need of flexible, independent, and low-cost transportation choices, . . ." The program is financed through fiscal year 2009 by Section 1404 of the big surface transportation law called the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users. The law allocated for the program \$54 million in fiscal 2005, \$100 million in fiscal 2006, \$125 mil-

lion in fiscal 2007, \$150 million in fiscal 2008 and \$183 million in fiscal 2009. The program concentrates on small-scale transportation projects, such as bike lanes, sidewalks, cross walks, and bike racks.

New landscape standards posted.

The National Recreation and Park Association (NRPA) announced November 9 that a new rating system has been established for sustainable landscapes in the nation's public parks and recreation areas. NRPA said the nation has a national standard for green buildings, known as Leadership in Energy and Environmental Design (LEED), but no standard for natural resources. Now it does. The system was developed by a Sustainable Sites Initiative. The new system will award up to 250 points to a site for such things as site selection, soils, vegetation, restoration, recycling and sustainable constructions. "Many park planners, landscape architects and park administrators have told us that they've always felt there is a lack of an equivalent system for landscapes to the LEED rating system, the international standard for green building, and thus there was no way to receive credit for exemplary practices," said Rich Dolesh, chief public policy officer of NRPA.

Outdoor health pass idea stirs.

Some elements of the outdoor recreation establishment are toying with the concept of a new outdoor pass prescribed by medical professional for ill people. The American Recreation Coalition, which represents the recreation industry, would do much of the groundwork for the pass, such as keeping track of subscribers. The outdoor industry anticipates that health insurance companies and individuals would share the cost. The pass would be built around the existing American the Beautiful Pass. Revenues would provide as much as \$2.4 billion each year in assistance to public park and recreation sites. The proposal is still at the concept stage. It would be called the Great Health/Great Outdoors Park Pass Plus.

Concessioners seek Jarvis help.

The National Park Hospitality Associa-

tion (NPHA) asked new Park Service Director Jon Jarvis November 13 to expedite new guidance on rates concessioners charge. NPHA asked Jarvis to authorize early approval of rates concessioners charge businesses in the travel and tourism business. NPHA Chairman Joe Fassler said concessioners frequently try to write contracts on prices as much as 24 months in advance, yet NPS approvals are mostly limited to one year in advance. Fassler also asked for swift processing of other kinds of rate requests within 60 days. Fassler is chairman of the Viad Corporation of which Glacier Park Glacier Park, Inc. is a member company. Glacier Park, Inc. in turn owns and operates Glacier Park Lodge in East Glacier Park, Mont.

Yellowstone bison lawsuit filed.

The Western Watersheds Project and its allies filed a suit November 9 against the Park Service for allowing bison to leave Yellowstone National Park. The plaintiffs complain in the lawsuit filed in U.S. District Court in Montana that the park allows bison to enter the Gallatin National Forest, where they are captured and/or slaughtered to prevent the spread of brucellosis to cattle. More than 3,500 bison have been killed. Western Watersheds says the Park Service and Forest Service actions violate a 2000 Interagency Bison Management Plan.

DU fears loss of potholes.

Ducks Unlimited (DU) said November 10 that new statistics show that farmers this year have removed 500,000 acres of land in the Prairie Pothole Region from a Conservation Reserve Program (CRP.) That means 500,000 acres will not be available for breeding grassland for ducks, said DU. The association said the removal comes on top of the loss of more than 960,000 acres in the Dakotas and Montana in 2007 and 335,000 acres in 2008. The 2008 Farm Bill reduced the CRP cap from 39.2 million acres to 32 million acres with the result that many farmers did not renew their participation in the system. Under CRP farmers are paid a stipend to take the land out of farming. "The cumulative impacts of grassland loss in the Prairie Pothole Region, both CRP and native prairie, at this magnitude, will eventually have

significant impacts on waterfowl populations and the number of ducks that hunters see in their decoy spreads," said Scott McLeod, DU government affairs representative.

Michigan considers new fee system.

The Michigan State Senate November 12 approved legislation that would replace entrance fees to state parks with a \$10 surcharge on vehicle registrations. The state House has not voted on the proposal yet. The Senate bill would make the vehicle registration fee voluntary, while eliminating mandatory entrance fees. Supporters believe the vehicle surcharge would bring in more revenues each year than the \$11.7 million the state now receives from entrance fees. The supporters say a 50 percent participation in the registration fee would

NPS: No to Pinnacles park.

The Park Service recommended November 17 that Congress not redesignate Pinnacles National Monument as Pinnacles National Park in California. Testifying at a hearing on a bill (HR 344) to make the redesignation, NPS at first praised the attributes of the monument. Then Steve Whitesell, associate director for park planning for NPS, added, "However, under longstanding practice, the term 'national park' has generally been reserved for units that contain a variety of resources and encompasses large land or water areas to help provide adequate protection of the resources. Pinnacles National Monument does not include the full range of resources usually found in national parks." The sponsor of the bill, Rep. Sam Farr (D-Calif.), disagreed. "The park is unique in our country for a variety of reasons," he said. "It is one of the few regions in the world that boasts a Mediterranean climate; it serves as home for dozens of federally protected species; it has a long, rich cultural history; it serves as a center for geological science; it's an area of unspoiled beauty. . ." The monument originally consisted of 2,060 acres but has been expanded five times over the years. It now spreads over more than 26,000 acres and includes half the skeletal remains of the Neenach Volcano, which erupted 23 million years ago.

Boxscore of Legislation

<u>LEGISLATION</u>	<u>STATUS</u>	<u>COMMENT</u>
Appropriations fiscal 2010 (Interior) HR 2996 (Dicks)	President Obama signed into law October 30 as PL 111-88.	Provides broad increases for park and rec programs.
Appropriations fiscal 2010 (Energy and water) HR 3183 (Visclosky) S 1436 (Dorgan)	President Obama signed into October 28 as PL 111-85.	Roughly maintains FY 2009 levels. Does reduce Everglades money.
Appropriations fiscal 2010 (Agriculture) HR 2997 (DeLauro)	President Obama signed into October 21 as PL 111-80.	Restores some conservation program money, but leaves other shortages.
Appropriations fiscal 2010 (Transportation) HR 3288 (Olver)	House approved July 232. Senate approved September 17.	Would not make up Highway Trust Fund shortfall.
Congressional Budget 2010 H Con Res 85 (Spratt) S Con Res 13 (Conrad)	House approved April 2. Senate approved April 2.	Would allow for increased natural resources spending.
Appropriations Stimulus HR 1 (Obey)	President Obama signed into law Feb. 17 as PL 111-5.	Allocates some \$4 billion to federal land management agencies to help revive the economy.
LWCF revival HR 3534 (Rahall) S 2747 (Bingaman) S 1517 (Landrieu)	House hearings in September. Bingaman introduced Nov. 6. Landrieu introduced July 24.	Rahall and Bingaman would guarantee full funding of \$900M per year. Landrieu would boost with offshore oil royalties.
UPAR revival HR 3734 (Sires)	Sires introduced October 6.	Would establish \$445 million urban park grant program in HUD.
Omnibus Lands Bill S 22 (Bingaman) HR 146 (Holt)	President signed into law March 30 as PL 111-11.	Includes 160+ individual bills, including NLCS, new national parks.
National Landscape Conservation System HR 404 (Grijalva) S 22 (previous item)	Grijalva introduced Jan. 9. Included in omnibus (above.)	Gives NLCS official designation by Congress.
Grand Canyon withdrawal HR 644 (Grijalva)	House subcommittee hearing July 21.	Would withdraw 1 million acres of federal land near Grand Canyon NP to prevent uranium mining.
Surface Transportation HR 1329 (Blumenauer) S 575 (Carper) S 1036 (Rockefeller) Unnumbered (Oberstar)	Blumenauer introduced March 5. Carper introduced March 11. Rockefeller introduced May 12 House subcommittee approved Oberstar bill June 24.	Blumenauer would establish a piece of a surface transportation law with climate change money. Rockefeller would establish broad goals for law. Oberstar would extend outdoor programs for six years.
FLREA (rec fee law) repeal S 868 (Baucus)	Baucus introduced April 22.	Would repeal the comprehensive federal rec fee law.
Fire suppression HR 1404 (Rahall) S 561 (Bingaman)	Included in Interior money bill above.	Establishes an emergency fire-fighting fund to limit agency borrowing.
Ski area uses S 607 (M. Udall)	Udall introduced March 17.	Would specify that ski resorts on national forest land may allow non-skiing recreation uses.
Weapons in parks HR 1684 (Hastings) S 816 (Crapo)	President Obama signed into law May 22 as part of credit	Directs Interior to allow concealed weapons in national parks, refuges.