

Federal Parks & Recreation

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Big urban parks bill turns to HUD community for support

Urban parks advocates say they have not given up on Interior appropriations subcommittees and the Interior Department for assistance in the restoration of local parks.

But they have turned to the Housing and Urban Development community for help to maximize their chances. Thus, two weeks ago Rep. Albio Sires (D-N.J.) and 24 cosponsors introduced a bill (HR 3734) that would establish a new urban park restoration program in the Department of Housing and Urban Development.

"We realized that a lot of city parks have received grants from the Community Development Block Grant program run by HUD (the Department of Housing and Urban Development)," said Ashley Futrell, senior policy manager for the National Recreation and Park Association (NRPA.) "We looked at recreation projects funded through those grants and realized that was a good source of assistance. So we thought the new program could be handled by HUD."

The bill would authorize up to \$445 million per year for grants to local governments, but the money would be subject to annual appropriations.

An existing Urban Parks & Recreation Recovery (UPAR) program is housed in the Interior Department. Congress has appropriated no money for UPAR grants since fiscal year 2002, when the program received \$28.9 million. Congress authorized UPAR in 1978 with an initial spending ceiling of \$150 million per year.

Futrell said state and local parks still hope for assistance from the Department of Interior and from House and Senate Interior appropriations subcom-

mittees. But, "It is difficult because members on the Interior appropris subcommittee don't represent urban areas, and their districts don't receive UPAR grants," said Futrell.

The proposal to look to HUD for help surfaces just two weeks after the National Association of Recreation Resources Planners (NARRP) October 1 submitted recommendations for a broad new, intergovernmental approach to recreation.

NARRP would shake up the federal oversight of recreation by moving the Land and Water Conservation Fund (and presumably UPAR) out of the Park Service and into a new national recreation agency. The new national coordinating agency would work with the 20 or so federal agencies that have outdoor recreation responsibilities.

The new bill from Rep. Sires would establish a grant program "for the rehabilitation of critically needed recreational areas and facilities and development of improve recreation programs in urban areas." The fed share of project money would be capped at 70 percent, with a 30 percent local government/partner match.

Sires presented a draft of his bill to an NRPA Urban Park Summit last month. The draft was reviewed at the summit by administration officials, mayors, educators and others, NRPA said.

Sires said on introducing his bill, "When we're proud of where we live, it not only deepens our sense of community and strengthens our neighborhoods, but it also helps boost local businesses in the area. In these difficult economic times, these are benefits to our communities that should not be overlooked."

However, Sires does not sit on the House Appropriations Committee nor does he sit on the House Financial Services Committee that oversees HUD.

Barbara Tulipane, CEO of NRPA, said of Sires's bill, "It's now incumbent upon us all to make sure Congress

knows that parks and recreation are integral into making America's urban communities vibrant and healthy."

In the House the subcommittee on Transportation and HUD appropriations is chaired by Rep. John Olver (D-Mass.) He is not one of the cosponsors of HR 3734. Sen. Patty Murray (D-Wash.) chairs the counterpart Senate HUD spending subcommittee.

The Interior appropriations subcommittees are chaired by Rep. Norman Dicks (D-Wash.) in the House and Sen. Barbara Feinstein (D-Wash.) in the Senate.

Coburn objections may force CR for Interior money bill

An appropriations bill for the Interior Department and related agencies (HR 2996) is caught up in another political war in the Senate, raising the possibility that Congress may have to pass a continuing resolution to keep the government in money.

How much difficulty that would cause depends on what kind of continuing resolution (CR) appropriators assemble. If the House and Senate strike a rough deal in conference on an Interior bill (HR 2996) and insert it in a CR, that still could provide the roughly 16 percent spending increase over fiscal 2009 that the House and Senate have included in their original versions of HR 2996.

But first the House and Senate must go to conference on HR 2996. The conference has been delayed in part because key senators, such as Sens. Dianne Feinstein (D-Calif.) and Lamar Alexander (R-Tenn.), are involved in the drafting of health care legislation. Feinstein chairs the Senate subcommittee on Interior appropriations and Alexander is the ranking Republican. The Senate is expected to be tied up with health care legislation at least until Thanksgiving.

With only one week left until a temporary spending extension ends on October 31 Congress will be forced to act quickly.

Sen. Tom Coburn (D-Okla.) is waging the Senate war, at times almost single-handedly. He is applying pressure by placing "holds" on all spending bills that come before the Senate. Some spending bills have snuck through, such as an Energy and Water measure and an Agriculture measure. (See separate article page 8.)

But the Interior appropriations bill has yet to go to conference, even though the House approved its bill June 26 and the Senate approved its bill September 24.

If and when an Interior conference does wrap up its work, Coburn is ready and waiting with his holds against any conference bill that reaches the Senate floor. He is furious because Senate conferees are not standing up for amendments he inserted in other spending bills on the Senate floor.

Coburn posted notice that he would attempt to delay future appropriations bills after a House-Senate conference committee October 1 rejected a Coburn amendment to an Energy and Water Appropriations bill the Senate had previously approved. His amendment would have required publication of all reports authorized by the bill.

"The removal of this amendment behind closed doors says that we have something to hide. It says that we want to keep the nation in the dark from the business we are conducting," Coburn said after the Energy and Water conference bill reached the Senate October 15.

During consideration of the Interior bill in the Senate September 24 Coburn obtained passage of amendments that would require competitive bids on all contracts authorized by the bill, would require publication of all reports authorized by the bill (as in the Energy and Water bill), and would prohibit the spending of money that could interfere with the Department of Homeland Security's border protection activities, particularly in wilderness and other sensitive areas.

The Senate either rejected or

Coburn pulled several other amendments to HR 2996 he wrote (including one that would have removed all federal land acquisition money and converted it to maintenance.)

There are important but not earth-shaking differences between the two versions of HR 2996:

* SPENDING CAP: The fiscal 2010 Senate spending ceiling for HR 2996 is \$32.1 billion, compared to a House ceiling of \$32.3 billion. While that is a \$200 million difference, the Senate cap is still \$4.5 billion more than a fiscal 2009 appropriation of \$27.6 billion, or a 16 percent increase.

* NPS CENTENNIAL CHALLENGE: The House met an administration request to provide \$25 million for a Park Service Centennial Challenge matching grant program. It would have NPS partner the \$25 million with a like amount of non-federal contributions to improve the National Park System in anticipation of the 100th Anniversary of the system. The Senate included no money for Centennial Challenge matching grants.

* POINT REYES: The Senate would extend for 10 years a permit for an oyster farm in Point Reyes National Seashore. The Park Service has opposed extension of the permit because it said the farm did not conform to uses allowed in potential wilderness, even though the farm has been in operation since 1934. Feinstein sponsored the provision. The House bill contains no comparable provision.

* FLAME ACT: The Senate added to the bill an emergency fire-fighting account, called the Federal Land Assistance Management and Enhancement Act (FLAME.) While the account would receive \$834 million, the money would simply be transferred from fire-fighting programs already in the bill. The House approved FLAME as a stand-alone measure (HR 1404) March 24, so the Senate provision should not pose an overwhelming problem in conference.

* SAVE AMERICA/PRESERVE AMERICA: The Senate committee would spend sig-

nificantly less for Save America and Preserve America grants administered by NPS than the House, but it would spend significantly more for recreation and preservation in NPS than the House.

The House would provide Save America with \$30 million, compared to the Senate's \$20 million. The administration also requested \$20 million. The House would provide Preserve America with \$6,175,000, compared to the Senate's no money. The administration asked for \$3,175,000.

Surface transportation a candidate for new stimulus

House Democratic leaders are raising the possibility that Congress will feature a multi-year surface transportation bill as a key element - make that - THE key element in a new economic stimulus bill.

In a one-two punch Speaker of the House Nancy Pelosi (D-Calif.) gave credence to the idea of a major new stimulus bill October 21 when she hosted a stimulus forum with a half-dozen leading economists.

The week before House Transportation Committee Chairman James Oberstar (D-Minn.) pled with the House Democratic Caucus to support major new highway spending as the centerpiece of any new stimulus program.

But, said an Oberstar aide, the highway/stimulus money would serve as a supplement to a six-year surface transportation law that Oberstar also wants to complete by the end of the year.

"Mr. Oberstar doesn't want a six-year bill superseded by a new stimulus," said a senior aide to Oberstar. "He doesn't want a stimulus bill as an excuse to delay a six-year bill. But if Congress is going to do an additional stimulus with off-budget money he thinks transportation should be the controlling element to provide a shot-in-the-arm to the economy."

The aide said the Transportation

committee is ready to go, if asked. "If they say they want X amount we could come up with a plan based on the research we did for the first stimulus law (PL 111-5 of February 17,)" said the staff member.

PL 111-5 was loaded with rec projects, particularly trails, to the dismay of Sens. Tom Coburn (R-Okla.) and John McCain (R-Ariz.) They argue that Highway Trust Fund money should be used for construction and repair of highways and bridges, not for ephemerals such as trails. They have unsuccessfully attempted this year to amend appropriations bill to block trail spending.

At the moment the talk about a new stimulus bill is just talk. "That's pretty squishy at this point," said the Oberstar aide. "We've seen no kind of proposal from the (House) leadership or the White House, but we are hearing a lot of talk," he said.

The idea of a new stimulus bill with a surface transportation component has received support from the American Automobile Association (AAA) and American industry, including the U.S. Chamber of Commerce. They wrote an undated open letter to President Obama and Congress last month pitching for a stimulus/transportation bill.

"America's transportation users urge you to enact a multi-year surface transportation authorization bill as soon as possible. Delaying significant investment and necessary program reforms until the next Congress will not benefit our nation's economy, safety, or quality of life," they wrote.

Despite the interest of Pelosi, Oberstar, AAA and big business there are important naysayers, beginning with the President of the United States. The Obama administration is asking Congress simply to extend the last surface transportation law, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) for 18 months.

The administration has repeatedly said that rapidly accelerating national

budget deficits rule out any major new spending initiatives. Oberstar and his House colleagues are talking about a \$500 billion price tag for a six-year surface transportation law, almost double the spending in SAFETEA-LU.

For the immediate future Congress extended SAFETEA-LU October 1 (PL 111-68) until October 31, or one month beyond its expiration date. To buy even more time the House September 23 approved a bill (HR 3617) that would extend SAFETEA-LU another three months until the end of the year. That would give Congress time to decide whether to accept the President's recommendation for an 18-month extension or Oberstar's recommendation for a new six-year bill.

If Congress does pass HR 3617, it would set specific three-month spending caps for some park and rec programs, such as \$60 million for national park roads, \$112 million for Indian Reservation roads, \$75 million for Public Lands Highways, \$11 million for scenic byways, \$7.5 million for forest roads and \$7 million for refuge roads.

Senate Democratic and Republican leaders have attempted to move HR 3617 through the Senate Environment and Public Works (EPW) Committee but those efforts have been stymied by an addendum to the bill. It would restore \$8.7 billion in rescinded past years' surface transportation allocations.

Now the Senate, led by EPW Committee Chairman Barbara Boxer (D-Calif.), will attempt to strike a deal this month with the House, led by Oberstar at the House Transportation Committee. The problem here is Boxer and her committee are totally occupied with the writing of a climate change bill.

"The three-month extension bill approved by the House is still viable," said the Oberstar staff member. "The Senate could pick that up and pass a clean bill as long as they don't mess with rescissions and other stuff they tried to put on there (last month.)"

The House subcommittee on Highways and Transits June 24 did approve a six-

year, \$500 billion surface transportation bill (unnumbered), called fittingly 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 pay for it.

Separately, Senate Majority Whip Richard Durbin (D-Ill.) said the unthinkable last week: Congress must increase gasoline taxes to pay for a new surface transportation law. Durbin made his remarks at a Tri-State Development Summit in Iowa, according to the *Quincy Herald-Whig* (Ill.)

AAA and industry in their letter also endorsed higher gas taxes. "Our organizations believe Congress must address revenue shortfalls in order to finance our nation's transportation system at robust levels and we are willing to support revenue approaches, including increases in federal gasoline and diesel taxes, in order to provide the necessary funding to meet critical transportation needs," they told the President and Congress.

Yellowstone snowmobile rule draws wrath of Freudenthal

Despite all-out opposition from Wyoming's elected officials, the Park

Service October 15 decided to reduce by half this coming winter the daily number of snowmobiles allowed in Yellowstone National Park. The plan would also allow up to 78 snowcoaches per day.

The plan would apply for the next two winters (beginning December 15) while NPS prepared a more permanent plan.

In a finding of no significant environmental impacts (FONSI) NPS said the 318-snowmobile cap is based upon recent use. "These numbers are a reflection of the recent (previous five years') snowmobile use levels," said the FONSI. "The 318 number and 78 numbers 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."

But Wyoming Gov. Dave Freudenthal (D-Wyo.) and the state's Congressional delegation begged to differ. Freudenthal was blunt, saying, "The rule is simply not acceptable."

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. "It had been our hope that the Park Service would at least compromise and allow us more than 318 people on those days which were considered high business or high traffic days, namely: Christmas, New Year's and President's day," he said.

In a press release the governor's office said it 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.

Although environmentalists in the past have objected to any snowmobile use in Yellowstone, they withheld criticism of the latest NPS proposal. "This is a step in the right direction," said Sean Helle, an attorney for the Earthjustice

law firm. "We look forward to working with the Park Service as it develops a permanent winter-use plan that conserves our first national park."

Snowmobile users weren't as accepting. Said Jack Welch, a special projects consultant to the BlueRibbon Coalition, "More people should be allowed in the Park, not less. People will be turned away this winter. This is not because there is a biological or scientific reason to do so; it is because winter visitors are caught in a game of politics and 318 is a convenient number between 0 and 540."

Like the environmentalists, the BlueRibbon Coalition said it would focus its attention on a long-term solution. But it did not rule out a lawsuit against the interim rule. "In the meantime, we will review our options on this () decision," said the coalition.

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 entire Wyoming Congressional delegation objected to the new NPS decision. Said Sen. John Barrasso (R-Wyo.), "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 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 last week 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.)

In the October 15 action NPS issued the FONSI and a final plan. It is available at <http://parkplanning.nps.gov>. Scroll down to Yellowstone National Park and follow the prompts.

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 environ-

Senate climate bill launched, conservation money is aboard

The Senate Environment and Public Works (EPW) Committee will begin long-awaited hearings next week on a climate change bill (S 1733) that could allocate billions of dollars to conservation programs.

In a major difference from a House-passed climate bill (HR 2454) the Senate measure would guarantee the billions of dollars per year in a Climate Change Adaptation Fund. The House would subject distribution of the money to appropriators in annual spending bills.

The EPW committee under chairman Barbara Boxer (D-Calif.) will take testimony from Obama administration witnesses October 27 on the 821-page S 1733. The following two days the committee will hear from experts, bill supporters and bill critics.

Under pressure from the Obama administration and Senate leaders Boxer said, "We will schedule a full committee markup of the bill as soon as possible after our hearings." However, virtually no one expects Congress to complete a climate change bill this year because the issue is so complex and the bill has so far to go. There is always next year.

* FWS PROPOSES CLIMATE PLAN: In a related development the Fish and Wildlife Service (FWS) last month proposed to make climate change the agency's top priority. To that end FWS completed a strategic plan that will guide the agency for the next 50 years.

FWS said it would execute the plan via partnerships - called Landscape Conservation Cooperatives - with states, federal agencies, conservationists and others.

Under the cooperatives FWS said, "Specific landscape conservation actions will support adaptation to climate change including the promotion of habitat connectivity and integrity, management of genetic resources and reduction of the susceptibility to diseases, pathogens and pests."

Information about the report is available at the FWS website, <http://www.fws.gov>.

* PARK THREATS DESCRIBED: In a second related development a new report from the Natural Resources Defense Council (NRDC) and Rocky Mountain Climate Organization (RMCO) says that climate change is the leading threat to 25 national parks.

"Climate disruption is the greatest threat ever to our national parks. We could lose entire national parks for the first time, as Everglades, Ellis Island, and other parks could be submerged by rising seas," said Stephen Saunders, president of RMCO and the report's principal author.

Theo Spencer, senior advocate for the Climate Center at NRDC, directly linked the report to the House and Sen-

ate climate bills. "Clean energy legislation is now moving in Congress that would help preserve our national treasures, while creating more jobs, economic growth and national security," he said.

Bill Wade, chair of the executive council of the Coalition of National Park Service Retirees, called the national parks the "canaries in the mine shaft" that should be alerting the country of a need to reduce carbon in the atmosphere.

"By their very characteristics and locations, impacts and effects of climate change are noticed in national parks first and are a forewarning about what will happen elsewhere," he said.

For the full report, *National Parks in Peril*, including the list of the 25 threatened national parks, go to: www.rockymountainclimate.org.

By one estimate from conservationists the House climate change bill would provide an average of \$2.6 billion per year to a natural resource fund. The Senate bill would allocate 9.5 percent of federal money to the Land and Water Conservation Fund (LWCF), broken down as follows: one-sixth for DoI competitive grants, one-third to traditional LWCF land acquisition, one-sixth to the Forest Service for the Forestry Assistance Act, and one-third to the Forest Service for land acquisition.

By comparison the House would provide LWCF with 19.5 percent of the adaptation fund. The House-passed bill would use the same percentage breakdown as the Boxer bill: i.e. one-sixth DoI etc.

Energy and water money bill shorts Everglades again

The Senate last week shipped a final fiscal year 2010 Energy and Water appropriations bill (HR 3183) to President Obama minus significant money for a giant Everglades restoration project.

But Sen. Bill Nelson (D-Fla.) said

he has a promissory note from the administration to fund downstream two major projects that were shorted in the bill.

"While this particular appropriations bill falls short of the President's request, I have been assured by the administration that Site One, which is one of the projects that is funded minimally in this appropriations bill, and the Indian River Lagoon, also funded minimally, are going to have the funds needed to go forward from another source, perhaps the stimulus bill," said Nelson on the Senate floor October 14.

In 2000 Congress approved the Comprehensive Everglades Restoration Project (CERP), an overarching \$7.8 billion federal-state initiative to revive the Everglades. The cost estimate has soared since then to more than \$20 billion.

In 2007 Congress authorized the first two major construction projects for CERP - a \$1.365 billion Indian River Lagoon proposal, with half of the money - \$682.5 million - coming from the feds and half from the State of Florida. Congress also authorized a \$375 million Picayune Strand project with half the money - \$187.5 million - provided by the feds and half by Florida. However, Congress must still appropriate money separately for the projects.

And that's where the fiscal 2010 Energy and Water spending bill comes in, or fails to come in. When the Senate first addressed HR 3183 July 29, it removed most of the money the Obama administration had requested for the Indian River Lagoon, according to Rep. Tom Rooney (R-Fla.)

But Nelson said the jumbo economic stimulus law (PL 111-5 of February 17) will provide some of the needed money. He said CERP "was also helped by this year's omnibus and stimulus spending bills which put a significant amount of funding toward restoration - about \$360 million. Building on that momentum, the President's budget for fiscal year 2010 included \$214 million in funding for the Everglades from the Army Corps of Engineers."

In the end the fiscal 2010 appropriations bill will provide \$34 million less than the Obama administration had requested for the Everglades. Although the administration asked for \$214 million, Congress provided \$180 million in HR 3183.

Nelson was optimistic about two upcoming events. "In a few months, there will be two groundbreaking projects that are critical to restoring the Everglades - the construction of the Tamiami Trail bridge and the Picayune Strand," he said.

All told for the Corps of Engineers HR 3183 includes \$5.4 billion, or \$100 million more than as an original House number and the same as a an original Senate number.

Congress made time for itself to complete all pending appropriations bills by extending them through the end of October (PL 111-68 of October 1.) So Obama has until October 31 to sign HR 3183.

Here's the status of two other non-Interior appropriations bills:

* AGRICULTURE: HR 2997. President Obama signed this bill into law (PL 111-80) October 21. The House had approved a conference bill October 1 and the Senate had sent it to the President October 8.

The conferees rejected some - but not all - spending reductions proposed by the Obama administration for conservation programs. The bill restored \$267 million of \$600 million the Obama administration asked to be reduced from spending levels in a new farm law for these conservation programs: Agricultural Management Assistance Program, Environmental Quality Incentives Program, Farmland Protection Program, Healthy Forest Reserve Program, Wetlands Reserve Program and Wildlife Habitat Incentives Program.

* TRANSPORTATION: HR 3288. The House approved its bill July 23 with a survival appropriation of \$41.1 million for highway programs. The Senate ap-

proved its version of HR 3288 September 17 with \$42.5 billion for highway programs.

DoI IG clears Gettysburg boss of improprieties, sort of

The Interior Department Inspector General (IG) posted a new report last month that, on the surface, cleared Gettysburg National Military Park Superintendent John A. Latschar of unethical behavior in the management of the park.

But the *Washington Post* revived interest in the IG report October 19 when it said the IG did not mention that Latschar inappropriately viewed more than 3,400 sexually-explicit images in his office computer. The Park Service has not revealed if it punished Latschar for including those images in his computer.

As to the substance of the IG report, it assesses allegations that Latschar had unethical dealings with a private partner, called the Gettysburg Foundation, which helped manage the park. Among other things the foundation last year selected Latschar as its next president at a salary of \$245,000 per year, while he still served as superintendent.

That arrangement fell through when the Interior Department's ethics office said that Latschar would violate federal rules governing post-government employment if he took the position. That is, it would be illegal for Latschar to communicate with Park Service officials. So Latschar is still serving as Gettysburg superintendent at \$146,000 per year.

In another major complaint the IG report, signed by Acting IG Mary L. Kendall, describes an allegation that Latschar repeatedly said the private Gettysburg Foundation could and would raise all the money needed for a major new museum and visitor center for the park. However, Congress eventually appropriated \$15 million of federal money for the visitor center.

The Park Service Division of Construction Program Management had questioned from the beginning the size of the museum and visitor center (135,000 square feet) and the services it would provide beyond the usual visitor center (restaurants, a book store, office space for the private partner.)

The IG quoted extensively the Gettysburg Foundation President Robert Wilburn, whom Latschar was to succeed. Wilburn "knew from his experience that the initial MVC (museum and visitor center) price tag that NPS was publicly estimating was too low and that a subsequent feasibility study brought the price up to approximately \$7 million," said the IG. "Wilburn said he was aware that NPS was telling the public the project would cost less than it actually would and that it would include no federal money."

The IG said that other witnesses said that Latschar indicated no federal money would be needed. But in his defense the report said Latschar said in at least one meeting "made it clear the project would need state, federal, and private funding."

Latschar has served as superintendent of Gettysburg National Military Park since 1994. In 1996 the park completed a concept plan that called for the cooperative development of the MVC. In June 2000 the park signed an agreement with the Gettysburg National Battlefield Museum Foundation that authorized the foundation to raise money and build the visitor center. The foundation eventually changed its name to the Gettysburg Foundation.

By definition Latschar was involved with the writing of the concept plan and negotiating the partnership with the Gettysburg Foundation.

The Interior Department IG began its investigation based on 17 complaints against Latschar by an unidentified party or parties. The IG concluded, "While the General Agreement between the park and the Foundation is a controversial partnership, our investigation uncovered no evidence of fraud in the

creation or operation of the partnership." The IG also cleared Latschar of any other criminal activity.

The IG investigation, *Investigative Report: John A. Latschar*, is at the IG's website, <http://www.doioig.gov>.

Obama DoI acting on Utah O&G leases near national parks

The Interior Department a fortnight ago made an interim decision on 77 controversial oil and gas leases in Utah near conservation lands.

The Bureau of Land Management (BLM) leased the tracts near Arches National Park, Dinosaur National Monument, Canyonlands National Park, Nine Mile Canyon and Desolate Canyon. BLM manages the latter two areas.

An interdisciplinary team recommended that 17 of the parcels should be reoffered for lease, that eight should not be leased and that 52 should be subjected to further review.

Secretary of Interior Ken Salazar blamed the Bush administration for not taking its time in preparing the Utah sale. "The report demonstrates that there was a head-long rush to lease by the prior administration (in December 2008)," he said. "They ended up taking the kinds of shortcuts that led to the kinds of problems that we have discovered here, that there were areas that should not have been leased because of the values associated with them. Some of these lease parcels were near our premier national parks."

He added, "I think what the report demonstrates is that when allowing America's ownership of these lands essentially to be leased out for oil and gas development, we need to know that it is done right. We need to do it right. It might not have been done right in the past. It is my direction in the department that we will do it right in the future."

Sen. Bob Bennett (R-Utah), who has been Salazar's most persistent critic in

the Utah lease dispute, said the report proves he was right when he argued that BLM had consulted with the Park Service before offering the contested leases.

Salazar had repeatedly questioned the adequacy of pre-lease consultation between the Park Service and BLM.

Concluded Bennett, "This report proves what I've been saying all along - that the Utah BLM office followed the proper procedures for reviewing the proposed lease parcels that were sold last year," said Bennett. "This report illustrates that rules only matter to this administration when they produce certain results. They've substituted the rule of executive whim for the rule of law, creating another huge vacuum of uncertainty for future BLM leasing decisions."

Among other things Bennett placed a hold on the nomination of David Hayes as deputy secretary of Interior for months this spring because of the dispute.

The Independent Petroleum Association of the Mountain States (IPAMS) disagreed with the interdisciplinary rereview and said the subject tracts were not all that sensitive. "IPAMS believes all 77 leases should be reinstated," said Kathleen Sgamma, director of government affairs for IPAMS. "The closest parcel to a national park is four miles away, but most were several tens of miles away and all were adjacent to existing natural gas fields or leases."

But David Nimkin, southwest regional director of the National Parks Conservation Association, said, "We hope to see the Department of Interior confirm its commitment to honoring the national parks and the Park Service's expertise in managing them, including by safeguarding them from damaging oil and gas drilling."

But Salazar said the old way of doing business is over. "It's a new day," he said. "We came into the department on a reform agenda. It's a new beginning with how we deal with our

public lands and development of energy and oil and gas resources. We have done that with renewable energy. We are doing it with oil and gas resources. We will continue to develop oil and gas but we will continue to develop oil and gas in the right way."

Notes

Salazar working on land/water program? It has long been rumored, but several sources tell us that Secretary of Interior Ken Salazar is now laying the groundwork for a major land and water conservation initiative. However, the sources say that Salazar may face the same obstacle all other initiatives to reinvigorate conservation programs run into - no money. "The question of funding looms large," said one member of the Outdoor Resources Review Group (ORRG) that recommended in July that Congress fully fund the Land and Water Conservation Fund (LWCF) at \$3.2 billion per year, adjusted for inflation. "Any new program the size he has suggested would be quite costly." This source understands that at this point Salazar is concentrating his efforts on a federal lands "Treasured Landscapes" initiative, but that the initiative may also include incentives for state and local governments. Salazar has several times this year told Congressional committees that he would like to model federal conservation spending on a Great Outdoors Colorado program, established by constitutional amendment that uses a portion of state lottery money for conservation purposes. A second national commission, the National Parks Second Century Commission, also recommended September 24 that Congress establish three big funds to provide more money for the National Park System. The funds would provide \$900 million per year for LWCF, new revenues for the Historic Preservation Fund, and new revenues to pay for park operations and maintenance. An Interior Department spokesman did not respond to our queries on the status of a Salazar initiative.

Sen. Baker to host forum on NPS. Sen. Howard H. Baker, Jr. (R-Tenn.), cochairman of a National Parks Second

Century Commission, will host a forum in Knoxville, Tenn., November 4 and 5 to discuss the commission's September 24 recommendations. Baker and company anticipate about 100 representatives of various interests will attend the function at the appropriately-named Howard H. Baker, Jr. Center for Public Policy at the University of Tennessee. The hosts anticipate members of Congress, administration officials, and Park Service officials will attend. The forum will consider such basic questions as: "How can NPS assume a stronger role in carrying out its primary mission of preserving natural and cultural resources unimpaired for future generations?" Former Sen. J. Bennett Johnston, Jr. (D-La.) cohosted the commission which was sponsored by the National Parks Conservation Association. As mentioned in the item above the park commission recommended among other things that Congress establish three big funds to provide more money for the National Park System. The funds would provide \$900 million per year for LWCF and new revenues for the Historic Preservation Fund and park operations.

Machlis named NPS science advisor.

The Park Service said October 13 that Dr. Gary Machlis, a professor of conservation at the University of Idaho, will serve as the first science advisor to the director of the National Park Service. NPS Director Jon Jarvis made the announcement. NPS said 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.

NRPA honors L. Rockefeller. The National Recreation and Park Association (NRPA) October 14 inducted Laurance S. Rockefeller, a founder of NRPA, into its Robert W. Crawford Recreation and Park Hall of Fame. Rockefeller was a leader of the park and recreation community for 50 years. He served as chairman of the Outdoor Recreation Resources Review Commission during the 1960s that led to the creation of the Land and Water Conservation Fund. In 1965 he was the prime mover behind, and first chairman of, NRPA. Rockefeller and his family

were instrumental in the establishment of Acadia National Park, Grand Teton National Park and Virgin Islands National Park. The selection of Rockefeller into NRPA's Hall of Fame was announced during the association's annual Congress in Salt Lake City, Utah. He died in August at 94.

NRPA puts Wilson in Hall of Fame.

The National Recreation and Park Association (NRPA) October 14 inducted Ralph C. Wilson into its Robert W. Crawford Recreation and Park Hall of Fame. Wilson was an advocate of parks and recreation areas in a number of capacities. Among other things he was chief recreation specialist for the Soil Conservation Service at the U.S. Department of Agriculture from 1964 until his death in 1985. With the addition of Wilson and Laurence Rockefeller (above) the NRPA Hall of Fame now has more than 30 members. (See previous item.)

Coleman award goes to Rex Maughan.

The American Recreation Coalition presented Rex Maughan, long-time national park concessioner, with its prestigious Sheldon Coleman Award October 20 at a Park Partners Forum at Yosemite National Park. From 1980 to 1997 Maughan served as the active volunteer chairman of the National Park Hospitality Association. Maughan is presently president and director of Forever Living Products International, Inc., which among other things manufactures houseboats. He is also a partner in Glacier Park Company that operates resort hotels. In addition Maughan has been a lead national advocate of the Get Outdoors initiative. Last but not least Maughan served on the President's Commission on Americans Outdoors in the mid-1980s as an appointee of President Reagan.

Tellico OHV trails closed. The Forest Service said October 14 it has closed permanently the 39-mile off-highway vehicle (OHV) trail system in the Upper Tellico River watershed of the Nantahala National Forest in North Carolina. National Forests in North Carolina Supervisor Marisue Hilliard said OHVs were causing water quality problems "in hundreds of locations." The sediment stirred up by the OHVs was flowing into the Upper Tellico River,

she said. OHV users are furious and may sue. "With our recreational partners, we will evaluate all options that may change that determination," said Greg Mumm, executive director of the BlueRibbon Coalition. Gary Parsons, president of the Southern Four Wheel Drive Association, said, "The Forest Service is simply wrong in this decision. This public agency has ignored an independent study by Caliber Engineering and the recommendations of its own Trails Unlimited Team, which demonstrated effective management is attainable and offered specific suggestions to achieve that goal." But environmentalists, as represented by the Southern Appalachian Forest Coalition, have called for the closure of the area to protect the Tellico watershed and brook trout. Forest supervisor Hilliard said, "When we first began our analysis we hoped we could make repairs and modifications to the existing OHV Trail system that would correct the water quality problems while still allowing for some level of OHV use in this area to continue. Unfortunately we discovered that repairing the existing problems and maintaining these Upper Tellico OHV trails in the future would be much more difficult than we expected." Hilliard's record of decision is available at: <http://www.cs.unca.edu/nfsnc/nepa/tusquitee/tellico.htm>.

Grand Canyon advocates turn out.

Members of interest groups that oppose uranium mining near Grand Canyon National Park planned to turn out in force October 15 to support a 20-year withdrawal of 1 million acres of public lands from mining. The Interior Department proposed the withdrawal in August in a draft EIS. That followed a segregation notice the department issued July 21 that bars the filing of new claims in the area for two years. However, some 10,000 uranium claims have already been filed in the area. Those claims enjoy valid existing rights and can't be withdrawn. On the other hand, the hard rock mining industry says the withdrawal almost makes it impossible for industry to prove the validity of the claims and thus win approval to begin mining. Still, said Grand Canyon Trust spokesman

Roger Clark before the October 15 meeting, "Uranium mining has already done irreparable harm to our region's people, water, and land. We should not repeat the mistakes of the past on our public watersheds surrounding the Grand Canyon." The segregation bars new claims on 633,547 acres of BLM land and 360,002 acres of national forest. Sen. John McCain (R-Ariz.), Sen. John Kyl (R-Ariz.) and former Sen. Dennis DeConcini (D-Ariz.) all oppose the withdrawal. They argue that it 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 areas.

East Bay Regional Park honored.

The East Bay Regional Park District - the nation's first and largest regional park district, marked its 75th Anniversary October 15 at a ceremony at Temescal Regional Park in northern California. The East Bay Regional Park District operates in Alameda and Contra Costa Counties. It manages more than 98,000 acres of land, including 65 parks and more than 1,000 miles of biking, hiking and horse riding trails. The parks host approximately 14 million visitors per year. The park district was established in 1934. Despite the Great Depression that year, 71 percent of San Francisco Bay area residents voted for a regional park initiative. Among those honoring the park last week was Rep. Barbara Lee (D-Calif.)

Delaware wants a national park.

Sens. Thomas Carper (D-Del.) and Edward Kaufman (D-Del.) introduced a bill (S 1801) October 20 to establish a National Park System unit in their state of Delaware. Rep. Mike Castle (R-Del.) introduced a counterpart bill (HR 3893) October 21. Delaware, the first state to vote to join the union, is also the only state without a unit of the National Park System. Carper and Kaufman would change that by designating a First State National Historical Park. The park would include historical sites, such as an area in Dover where local officials decided to ratify the U.S. Constitution.

Boxscore of Legislation

<u>LEGISLATION</u>	<u>STATUS</u>	<u>COMMENT</u>
Appropriations fiscal 2010 (Interior) HR 2996 (Dicks)	House approved June 26. Senate Approved September 24.	Would provide broad increases for park and rec programs.
Appropriations fiscal 2010 (Energy and water) HR 3183 (Visclosky) S 1436 (Dorgan)	Senate gave final Congressional approval October 15.	Would roughly maintain FY 2009 levels. Senate reduces Everglades money.
Appropriations fiscal 2010 (Agriculture) HR 2997 (DeLauro)	President Obama signed into law (PL 111-80) Oct. 21.	Restores some conservation money, but also leaves EQIP short.
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)	House hearings in September.	Public lands energy bill would guarantee \$900M per year.
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)	House approved March 24. Senate committee hearing July 21.	Would establish an emergency fire-fighting fund to limit borrowing from line programs.
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) HR 627 (Maloney)	President Obama signed into law May 22 as part of credit card law (PL 111-24.)	Directs Interior to allow concealed weapons in national parks, refuges.