

# Federal Parks & Recreation

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Volume 29 Number 20, October 21, 2011

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## **Draft Senate approps bill breaks with House on \$\$s**

The Senate Appropriations Committee October 14 posted a draft fiscal year 2012 Interior and Related Agencies appropriations bill that is significantly more generous to park and rec programs than a counterpart House bill.

The draft will likely form the Senate position in negotiations with the House over a final money bill for fiscal 2012.

The draft, written by both the Democratic subcommittee chairman and the ranking Republican, presents a marked contrast with a counterpart fiscal 2012 House money bill (HR 2584). The Senate draft would provide across-the-board, significant appropriations to conservation program. (For comparison here we use the House bill as it came out of the House Appropriations Committee and not as the bill was partially amended on the House floor in July.)

For the Land and Water Conservation Fund (LWCF) the Senate draft would provide \$185.6 million more than the House, \$232.2 million compared to \$46.7 million. That includes \$45 million for state LWCF grants, compared to no money in the House bill.

The Senate draft is not universally more generous than the House bill. For instance, for Park Service operations the House would provide a fraction more money, \$2.243 billion compared to \$2.230 billion in the Senate bill.

But for recreation programs in other agencies, for conservation grant programs of all kinds and for regular land management the Senate draft would

provide significantly more assistance than the House.

The main reason for the Senate generosity (or lavishness) is a spending ceiling the Senate Appropriations Committee allocated to the Interior bill. The Senate draft contains \$1.8 billion more than the House bill that reached the House floor for a week in July but wasn't completed. The Senate mark contains \$29.3 billion. The House bill \$27.5 billion.

The Senate committee had more money to distribute than the House Appropriations Committee because the House bill was put together under a particularly strict House budget. That was before Congress reached agreement with the White House on a grand budget agreement (PL 112-25 of August 2) that freed up the extra money.

In a joint statement Senate subcommittee on Interior appropriations Chairman Jack Reed (D-R.I.) and ranking minority member Lisa Murkowski (R-Alaska) said they would continue to work on the bill. But, they acknowledged, the draft may provide the final Senate position.

"We believe that this proposal constitutes a starting point for further discussions with our Senate colleagues and serves as a solid foundation for future negotiations with the House," they said.

In addition to the money the Senate draft includes two major riders. A **Montana Forest Jobs and Recreation Act**, based on legislation from Sen. Jon Tester (D-Mont.), would designate 669,100 acres of wilderness and protect another 336,000 acres of special management areas in the Kootenai, Beaver Head-Deerlodge and Lolo National Forests and adjacent Bureau of Land Management properties. Tester faces a tough reelection battle with Rep. Denis Rehberg (R-Mont.)

Rider number two would establish a new national park in Massachusetts and Rhode Island (Reed's home state) - a **Blackstone River Valley National Historical Park**. On October 13 Reed and

the three other senators from the two states along with four House members introduced a stand-alone bill (S 1708, HR 3191).

The valley stretches from Providence R.I., to Worcester, Mass. It is already part of a national heritage area. The park would mark the industrial, natural and cultural characteristics of the corridor.

The Senate draft bill does not include two significant riders that are in the House Appropriations Committee bill: a provision to bar hard rock mining near Grand Canyon National Park and a provision to block Secretary of Interior Ken Salazar's "wild lands" program

The details of the Senate draft are available at: <http://appropriations.senate.gov/news.cfm?method=news.view&id=3f4832f4-6adb-4be8-9c6f-eabff62cc056>.

Time is running short on fiscal year 2012. It already began October 1 and none of the 12 appropriations bills has been enacted. The Senate traditionally lags behind the House on spending bills, this year more so than usual. The House has approved six stand-alone appropriations measures and the Senate just one, a must-pass military bill.

Meanwhile, President Obama signed into law October 5 a temporary spending bill (PL 112-36) that provides funding through November 18 for all agencies at a rate 1.5 percent less than in fiscal year 2011. That is per the August 2 budget agreement.

However, that grand budget agreement actually sets a government-wide spending cap in fiscal 2012 that is about \$25 billion more than the cap the House used when it established allocations for individual appropriations bills, including RH 2584.

So Senate appropriators allocated a little of that extra money to the Interior bill. Still the ceiling of \$29.3 billion is \$300 million less than the fiscal 2011 bill contained.

**INTERIOR BILL NUMBERS:** The House spent a week in July working on the Interior bill but did not complete it. At press time House leaders had not established a schedule for taking up HR 2584, either by itself or in an omnibus bill. A brief comparison of some programs:

\* LWCF FEDERAL: Senate, \$187.3 million (BLM \$23.4 million, Fish and Wildlife Service \$59.9 million, NPS \$66.5 million and FS \$37.5 million). House, \$46.7 million. Fiscal 2011, \$164.9 million.

\* LWCF STATE: Senate, \$45 million. House, nothing. Fiscal 2011, \$40 million.

\* FWS CONSERVATION GRANTS: Senate, \$61.4 million. House, \$22 million. Fiscal 2011, \$61.8 million.

\* HISTORIC PRESERVATION GRANTS: Senate, \$47 million. House, \$42.5 million. Fiscal 2011, \$46.4 million.

\* HERITAGE AREAS: Senate, \$17.4 million. House, \$9 million. Fiscal 2011, \$17.4 million.

\* SAVE AMERICA'S TREASURES: Senate, \$8 million. House, nothing. Fiscal 2011, nothing.

\* NPS OPERATIONS: Senate, \$2.230 billion. House, \$2.243 billion. Fiscal 2011, \$2.250 billion.

\* NPS REC AND PRES: Senate, \$60 million. House, \$49.4 million. Fiscal 2011, \$57.9 million.

\* NPS CONSTRUCTION: Senate, \$153 million. House, \$152.1 million. Fiscal 2011, \$184.6 million.

\* FS RECREATION: Senate, \$290.5 million. House, \$281.6 million. Fiscal 2011, \$281.6 million.

\* FS TRAILS: Senate, \$82.2 million. House, not clear. Fiscal 2011, \$88.4 million.

\* FOREST LEGACY: Senate, \$58 million. House, not clear. Fiscal 2011, \$52.8 million.

\* BLM RECREATION: Senate, \$68.7 million. House, \$67.6 million. Fiscal 2011, \$68.8 million.

\* FWS REFUGE MANAEMENT: Senate, \$483 million. House, \$455 million. Fiscal 2011, \$492 million.

**RIDERS IN THE HOUSE BILL:** Here are policy amendments that are either in HR 2584 or may be offered to HR 2584 this fall. The two major Senate riders are described above:

**GRAND CANYON MINING:** House Democrats may offer a floor amendment that would allow the Interior Department to withdraw 1 million acres of federal land from uranium mining near Grand Canyon National Park. As now written the bill would bar such a withdrawal.

Secretary of Interior Ken Salazar June 20 ordered a six-month withdrawal of the one million acres to block temporarily additional uranium development. Then he chose a preferred alternative of a 20-year withdrawal in an EIS that will be completed over the next six months. Salazar said he would make a final decision this fall on a 20-year withdrawal.

**MONUMENTS DESIGNATIONS:** Rehberg may propose an amendment that would ban the designation of national monuments by the Obama administration without Congressional approval. A ban on monument designation could be more consequential than a ban on wild lands because the Antiquities Act of 1906 has been used more than 100 times over the last decade to protect large tracts of American land.

If the House takes up a Rehberg amendment, it might simply forbid President Obama from designating national monuments. Or the amendment might allow Presidential designation of monuments under the condition that Congress confirm a designation within two years.

**WILD LANDS:** In one policy vote July 27 the House approved a provision that would bar the Interior Department from designating any new 'wild lands.' The bar on wild land designations may

not be necessary because Secretary of Interior Ken Salazar has said BLM will not on its own designate wild lands but will ask Congress to do so.

**CALIFORNIA OHV ROUTES:** The provision would direct the Forest Service in California to allow OHV use on "Maintenance Level" roads in national forests. Four Republican House members led by Rep. Wally Herger (R-Calif.) have introduced stand-alone legislation (HR 242).

**THE OTHER APPROPRIATIONS BILLS:**

Here is the status of the four outdoor-related appropriations bills, followed by a comparison of House and Senate numbers in the Interior bill:

\* **AGRICULTURE BILL:** The House approved a fiscal 2012 Department of Agriculture appropriations bill (HR 2112) June 16 with reductions of \$1 billion in conservation spending. And the \$1 billion comes on top of a \$500 million reduction in fiscal 2011. The bill was on the Senate floor this week.

\* **ENERGY AND WATER BILL:** The House July 15 approved a fiscal 2012 Energy and Water appropriations bill (HR 2354) that would, among other things, block a proposed new Obama administration wetlands permit policy. The Senate Appropriations Committee approved its bill September 7 by a 28-to-2 margin. The Senate committee did not include the wetlands rider.

\* **TRANSPORTATION BILL:** The House subcommittee on Transportation approved a bill September 8, but it has not moved since. The full committee has set a spending cap for the surface transportation in the bill of \$47.7 billion that is \$7.7 billion less than the fiscal 2011 appropriation of \$55.4 billion. House Republican leaders had reportedly deferred action on the Transportation bill until fall to allow time to resolve budget deficit disagreements. Unlike the House subcommittee the Senate Appropriations Committee September 21 approved the same spending as fiscal 2011 for road programs. The Senate has attached the measure to the Agriculture bill (above) that was on the Senate floor this week.

**McCain fails to stop TEs; DoT diverts scenic byways money**

The Senate October 19 defeated an attempt by Sen. John McCain (R-Ariz.) to forbid the use of transportation enhancements (TEs) money on seven conservation-related uses. The vote was 59-to-39 against.

McCain's amendment to a Senate Transportation Appropriations bill (HR 2112) would still have allowed use of TE money for trails. But it would have barred expenditures on such things as scenic highways, landscaping and historic preservation.

Said McCain, "What I am saying here is let the States decide their priorities. Do not force the States to set aside 10 percent of their funding for these so-called transportation enhancement activities."

But Senate Environment and Public Works Committee Chair Barbara Boxer (D-Calif.) disagreed. "By prohibiting any funds to be used on these activities that Sen. McCain has singled out, this amendment actually eliminates the flexibility of our States and prevents them from spending funds on activities which are necessary to construct and maintain our highway system," she said.

Boxer did say the TE program needs reform, but she said the place to do that is in the writing of the next multi-year surface transportation bill in the coming months.

The McCain amendment follows on the heels of a bill (HR 3085, S 1648) Sen. Rand Paul (R-Ky.) and other Republicans introduced last month that would eliminate the \$600 million per year TE program, period. The sponsors of the bill from Kentucky and Indiana are looking for money because of the closure of the Sherman Minton Bridge that carries Interstate 64 between Louisville, Ky., and southern Indiana. The bridge developed cracks last month and needs some \$20 million in repairs.

On introducing the bill Paul dismissed TE as "financing every turtle

tunnel and solar panel company." Rep. Todd Young (R-Ind.) said the "money (is) now being used for optional projects such as landscaping, scenic beautification, and transportation museums."

The McCain amendment represents the most recent attack on transportation-funded park and recreation programs.

Even the Obama administration is getting in on the act. Given leeway by Congress to rearrange money among programs, the Department of Transportation (DoT) has chosen to kill technical assistance for the National Scenic Byways Program.

A coalition of recreation interests and - significantly - the American Automobile Association, wrote Secretary of Transportation Ray LaHood October 17 to protest.

"We want to express our concerns both regarding this decision on byways funding and our disappointment that the organizations signing this letter, many of whom have played an active role in the NSBP since its inception, were not invited to comment on use of the discretionary authority," said the coalition letter to LaHood, a former Republican Congressman from Illinois.

"We strongly disagree with the decision that the technical assistance needs of the byways program have been met with pre-FY 2011 funding," the 20 groups added.

The involvement of AAA is important because late last year the association fought a major battle with recreation interests over trails funding. AAA leaders suggested that Highway Trust Fund money be spent primarily on road and bridge construction. That, said the Rails-to-Trails Conservancy at the time, would leave trails programs such as transportation enhancements out in the cold.

In a third recent attack Sen. Tom Coburn (R-Okla.) in September prepared an amendment to an interim

surface transportation bill (PL 112-30 of September 16) that would also have forbid the distribution of any highway money for transportation enhancements.

Boxer eventually persuaded Coburn to pull his amendment when she promised to seek reforms to TE spending when her committee writes a multi-year surface transportation spending bill between now and March 31. The reform reportedly will consist of delegating authority to states to opt out of TE, if they so chose.

In a fourth attack two years ago in July 2009 influential Republican Sen. John McCain (Ariz.) complained that a Government Accountability Office (GAO) analysis reported that \$78 billion of Highway Trust money over last five years had been used for purposes other than construction of roads and bridges. McCain was particularly perturbed because the law has provided more than \$2 billion for 5,547 bike paths and pedestrian walkways.

More threatening right now to TE, scenic byways, and recreational trails is a looming long-term surface transportation bill being developed by the House Transportation Committee. Chairman John Mica (R-Fla.) has let it be known he does not want to use Highway Trust Fund money or any other roads money on "fluff." In this instance the rec programs make up the fluff.

However, House Republicans leaders in the last fortnight have begun working with Mica to come up with significant new revenues for a new six-year bill that may take the pressure off recreation programs. *(See related article on highway fund on page 10.)*

## **NPS endorses San Gabriel area as new unit in its system**

The Park Service recommended in a draft study October 17 the inclusion in the National Park System of a portion of 700,000 acres in the San Gabriel Watershed and Mountains in greater Los Angeles.

But NPS recommended against a

traditional national park owned and operate by the agency. Instead it called for a national recreation area (NRA) managed in partnership with landowners in the area. That includes the Forest Service, which manages 415,000 acres of the Angeles National Forest.

The completion of the draft study was announced by two Cabinet secretaries - Secretary of the Interior Ken Salazar and Secretary of Labor Hilda L. Solis. When she represented the area in Congress in 2003 Solis helped persuade Congress to authorize the study (PL 108-042 of July 2003).

"As someone who grew up in an industrial community in the shadows of the San Gabriel Mountains, I know how the beauty of this range, the watershed and the river that runs through it helped connect Californians to their natural environment," said Solis when the study was released.

Chuck Cushman, president of the American Land Rights Association, fears that the San Gabriel study is part of an ongoing attempt by the Park Service to gain control of the arc of mountains that border Los Angeles. "What's going to happen is the Park Service is going to take control of all the mountains that surround Los Angeles," he said.

He added, "Any time the federal government puts a circle around something they are going to own it all eventually." But, he acknowledged in the San Gabriel study, "They are not going to buy all the homes."

In the study the Park Service downplayed the possible cost of a San Gabriel unit and possible loss of private land. Of the preferred alternative D in the study it said, "The majority of land in the proposed NRA is owned and managed by public agencies. Lands within the NRA would remain under their current ownership and jurisdictions, with each land management agency continuing to fund its own operations. The need for NPS land acquisition would be small, targeted for protection of significant resources, and subject to funding availability.

Partner agencies would also contribute funds for land acquisition within the NRA when funding is available."

The study estimates operating costs of an NRA at between \$2 million and \$4 million per year.

The study area lies just to the northeast of Los Angeles city proper. It is flanked on the south by Interstate 10 and on the west by Interstate 5.

The *San Gabriel Watershed and Mountains Special Resource Study*, available at <http://www.nps.gov/pwro/sangabriel>, described the preferred recommendation this way:

"In this alternative, Congress would designate a larger scale national recreation area that would recognize and protect the significant resources associated with the San Gabriel Mountains and Puente-Chino Hills, explore opportunities to protect and enhance interconnected ecosystems, provide important open space connections for recreation, and offer new educational and interpretive opportunities."

The study described the Park Service's bottom-line conclusion about the area this way, "The NPS determined that a collaborative partnership-based park unit which respects the complex mix of land use, ownership, and regulatory authority in the study area would be a feasible addition to the national park system. A large traditional national park unit, owned and operated solely by the National Park Service, is not feasible."

## **Big Cypress lawsuit faults NPS wilderness reviews**

Conservationists filed an opening lawsuit October 12 against a Big Cypress National Preserve plan that opened 130 miles of "Addition" lands to off-road vehicle (ORV) use.

The National Parks Conservation Association (NPCA) said its suit will prove that the Park Service in February did not follow legal requirements by

changing a wilderness eligibility test between 2006 and then. By reducing the amount of wilderness in the 147,000-acre Additions from 110,000 to 47,000 acres NPS was able to make room for the ORV routes.

NPCA also alleged that a Big Cypress ORV Advisory Committee is illegally packed with ORV advocates.

On February 4 NPS completed a management plan for the Addition lands. Congress expanded Big Cypress in 1988 when it approved the 147,000-acre Addition. The initial preserve was established in 1974 with 582,000 acres.

A separate coalition of conservation groups from NPCA posted notice to the Interior Department in March that it intended to file suit if the plan were not revised. That coalition includes the Sierra Club, Public Employees for Environmental Responsibility (PEER), the South Florida Wildlands Association, and the Florida Biodiversity Project. PEER said last month that its lawsuit is "looming."

Both sets of conservation groups are focusing on wilderness reviews conducted by the Park Service. In 2006 NPS conducted an initial review and identified 110,000 acres as possible candidates for wilderness. In 2010 NPS completed a second wilderness eligibility assessment (WEA) and came up with the 47,000-acre recommendation.

In a June 9 letter to PEER, NPS Southeast Regional Director David Vela said the 2010 wilderness eligibility assessment is simply a revision of the 2006 assessment and thus is nothing new.

ORV users have also complained, for different reasons, about the Addition plan, signed by Vela. Sportsmen recommended that no wilderness be designated in the backcountry in contrast to the 47,000 acres in the final plan.

NPCA argues in its lawsuit that NPS illegally changed the rules of the wilderness game between 2006 and 2010. Among other things the lawsuit says the General Management Plan

"stated conclusions about the preferred alternative's adverse impacts that lacked factual support and that reflected a myopic view of the issues, rather than analyzing the cumulative impacts required to be analyzed."

NPCA also said the make-up of the Big Cypress advisory committee violates the Federal Advisory Committee Act (FACA) and Interior Department rules. "NPS violated both FACA and the Department of the Interior regulations implementing FACA, and acted in an arbitrary and capricious manner, by appointing an ORV Advisory Committee that was and is not fairly balanced because a majority of members are ORV users and their supporters, and by establishing and operating a Committee that is inappropriately influenced by a special interest, ORV users," says the lawsuit.

Robert Rosenbaum, an attorney of the law firm Arnold & Porter, which is representing NPCA, concluded in a statement, "From its inception in 2007, the committee has been dominated by ORV users, with only nominal representation for those advocating for the protection of the Preserve's unique and natural ecology, which is the Preserve's primary purpose. The court should order the committee to cease further operation until its membership has been fairly balanced."

## **Grand Canyon area mining promoted by 14 legislators**

Five western Republican senators and nine House members introduced legislation last week that would block a long-term withdrawal from uranium mining of 1 million acres of public land near Grand Canyon National Park.

The legislation (HR 3155, S 1690) would back up a provision already in a fiscal year 2012 Interior and Related Agencies appropriations bill (HR 2584) that is pending on the House floor.

The westerners laid out this case in an October 12 letter to Secretary of Interior Ken Salazar, "In our view, the draft EIS on the proposed withdrawal

actually demonstrates that uranium mineral development would pose little, if any, threat to the park or water quality in the region. Thus, we are concerned that this proposed withdrawal is more about social agendas and political pressure than about the best available science."

In a spirited dissent Rep. Raúl M. Grijalva said, "Secretary Salazar's decision to protect the Grand Canyon is supported by Coconino County, local tribes, the City of Flagstaff, numerous other local communities, the tourism industry that relies on unspoiled natural views, and just about everyone else in Arizona you can think of."

The million acres in question, managed by the Bureau of Land Management and the Forest Service, were first closed to new mining claims by a July 21, 2009, segregation notice. The notice had been scheduled to expire on July 20 but Salazar imposed an interim, six-month withdrawal until late December.

The interim withdrawal is designed to provide time for the Interior Department to complete the EIS mentioned by the western Republicans and to issue a 20-year withdrawal. Salazar is expected to make a decision on a 20-year withdrawal by the end of November.

The 14 Senate and House Republicans, led by Sen. John McCain (R-Ariz.) and Rep. Trent Franks (R-Ariz.), would forbid the Interior Department from withdrawing the land unless Congress first gave its approval. The legislators contend the mining would not harm the environment and that uranium mining would provide jobs, which Rep. Grijalva disputes.

By itself the legislation would face monumental hurdles, particularly in the Senate, where no Democrats cosponsored the bill. And they hold a majority of Senate seats. The legislation may stand a chance as an amendment to an omnibus fiscal year 2012 appropriations bill in some sort of trade-off.

Indeed the House Appropriations Committee July 12 added a provision to

its fiscal 2012 Interior money bill (HR 2584) that would block a withdrawal. HR 2584 is expected to be wrapped into an omnibus spending bill next month.

The Arizona tourism industry has taken a strong stand in favor of the withdrawal. "Arizona's national parks and monuments are breathtaking, and the cornerstones of our Western way of life," a coalition of representatives of hotels, local chambers of commerce and outfitters wrote Secretary of Interior Ken Salazar last month.

The coalition added that parks and monuments are "also powerful engines of Arizona's economy. That's why, as business leaders, we support and appreciate your announcement of a six-month extension on the temporary moratorium on new uranium mining around the Grand Canyon, and your support for a potential 20-year ban."

But two sides can play the jobs game. The uranium industry, allied as the American Clean Energy Resources Trust (ACERT), says uranium mining in the area will provide more and better jobs.

"Each mine would provide jobs for 75 individuals," ACERT said in comments on BLM's draft EIS of late June. "The total direct employment over the 20-year period would be 2,250 employees, and the indirect and induced employment is expected to create an additional 4,398 jobs."

ACERT added, "The average wages for tourism (predominantly food services) is \$21,230 and for various mining jobs ranging from \$44,510 to \$72,060. Thus the mining sector wages are 2 to 3.5 times higher."

Pamela Hill, executive director of ACERT, told us that Senate prospects for the McCain-Franks bill are not as good as the House, which is already on record against the withdrawal. "I'd say on the Senate side prospects are not as bright," she said. "But we are hoping." Perhaps the best shot for industry would be a provision in the fiscal 2012 appropriations bill in conference between the two Houses.

If that doesn't work, there are the courts. "The third leg (in addition to Interior and Congress) would be legal action," Hill said. "No matter how this turns out we are going to court."

Locally, existing claims that hold valid existing rights theoretically could be developed after a withdrawal. But the mining industry fears that a 20-year withdrawal would effectively prevent development of all but a few claims.

Industry is concerned that only those claims that (1) already demonstrate a discovery of minerals and (2) demonstrate they could be economically developed would qualify for valid existing rights. Development of all other claims would be barred for the foreseeable future.

## **Super budget committee asked to dispose of fed lands**

House Natural Resources Committee Republicans recommended to a budget super committee October 14 the sale of surplus federal lands.

In a letter submitted to the Joint Select Committee on Deficit Reduction, the Republicans, led by chairman Doc Hastings (R-Wash.), said, "Our great National Parks and other lands prized by the American people can better be cared for if surplus, excess lands identified by the Department of the Interior and Forest Service, such as is done through the regular land use planning processes, are sold or transferred out of federal ownership."

Committee Democrats immediately jumped on the proposal. "Instead of asking oil, coal, mining and other corporate interests to help close our budget deficit and pay down the national debt, Republicans want to hold a fire sale on America's forests, parks and public lands," said Rep. Ed Markey (D-Mass.), ranking committee Democrat.

Western legislators have for decades sought to force the transfer and/or sale of Bureau of Land Management land and national forest land to state governments and private interests. But

those attempts skirted the controversy that would be stirred up by attempting to unload national parks. The House GOP did recommend that agencies study possible disposal in land use plans before pulling the trigger.

October 14 was the deadline for Congressional committees to submit their recommendations to the super budget committee. The super committee's recommendations in turn are due out November 23. If the super committee members can't agree - and the betting is they can't - on January 15 a \$1.2 trillion trigger would reduce spending across-the-board.

The super committee's actions - or nonactions - will inferentially decide if money for public lands programs will be sharply reduced over the next decade. The super committee may present the last best hope of interests that suspect their legislation may not garner enough support on its own, and maybe not in omnibus legislation.

Competing interest groups have for the last two months advanced budget recommendations that would address federal lands policy. Not surprisingly, recreation interests are seizing on a new report that says recreation and historic preservation create \$1 trillion in economic activity in the country every year.

The study, endorsed by former Secretary of Interior Dirk Kempthorne, says that recreation and historic preservation support 9.4 million jobs in the country.

Said Steve Belinda, director of energy programs for the Theodore Roosevelt Conservation Partnership, one of the conservation groups praising the report, "We need to recognize that open spaces and outdoor recreation are a vital part of the make-up of public lands management and provide for thousands of sustainable jobs in local communities and millions of dollars to Western states every year."

The study was commissioned by the National Fish and Wildlife Foundation and conducted by Southwick Associates.

It is available at:

[http://www.nfwf.org/AM/Template.cfm?Section=Who We Are&TEMPLATE=/CM/ContentDisplay.cfm&CONTENTID=21773](http://www.nfwf.org/AM/Template.cfm?Section=Who_We_Are&TEMPLATE=/CM/ContentDisplay.cfm&CONTENTID=21773).

A separate group of conservationists sent a letter to the super committee October 12 on behalf of conservation programs authorized by a 2008 Farm Bill. The groups complained that appropriators had chopped \$2 billion from conservation programs.

National Association of Conservation Districts President Gene Schmidt said, "With increased pressures on working lands to produce food, feed, fuel and fiber for our nation and the world, these programs are needed now more than ever. Unfairly targeting conservation and agriculture would have devastating impacts reaching far beyond rural America."

The budget super committee, cochaired by Sen. Patty Murray (D-Wash.) and Rep. Jeb Hensarling (R-Texas), is made up of six House members and six senators, equally divided by political party.

Here's the schedule for the Joint Select Committee on Deficit Reduction:

*Oct. 14:* House and Senate committees submitted recommendations to the super committee.

*Nov. 23:* Deadline for the super committee to vote on a plan with \$1.5 trillion in deficit reduction.

*Dec. 2:* Deadline for the super committee to submit report and legislative language to the President and Congress.

*Dec. 23:* Deadline for both houses to vote on a super committee bill.

*Jan. 15, 2012:* Date that the trigger leading to \$1.2 trillion of future spending cuts goes into effect, if the super committee's legislation has not been enacted.

*Jan. 2, 2013:* OMB orders sequestrations for defense and non-defense categories of spending necessary to meet spending cuts required by the trigger.

The super committee has a bare-boned website at:  
<http://www.deficitreduction.gov/public/>.

## Boehner-led GOP searching for money to fund roads and FAA

Senate Majority Leader John Boehner (R-Ohio) said publicly last week what has been rumored for a month - he wants his Republican majority to move a fully-funded surface transportation bill.

Boehner told Capitol Hill reporters the House should pass economic stimulus legislation before the 2012 political campaign begins in earnest next year. Topping his agenda is the surface transportation bill with the same amount of money as last year, some \$40 billion.

To put an exclamation point on it Boehner's office said October 13 that the Speaker discussed a transportation bill that day with President Obama. Said Boehner's office, "They also discussed transportation and infrastructure, and the Speaker expressed his desire to do something on the issue, but to do it in a fiscally-responsible way."

House Transportation Committee Chairman John Mica (R-Fla.) had previously been championing a \$16 billion reduction in spending for fiscal years 2012, 2013 and beyond. He had proposed limiting surface transportation spending to the amount of money generated for the Highway Trust Fund from gasoline taxes.

Separately, in a speech to the Economic Club Of Washington (D.C.) Boehner suggested the extra money for roads should come from bonus bids and royalties tied to expanded energy development on public lands. "Let's link the next highway bill to an expansion of American-made energy production," he said.

At the same time Boehner is reportedly seeking more money to pay for a long-term law to reauthorize operations at the Federal Aviation Administration (FAA). Both House- and Senate-passed FAA extension bills contain important changes to a Park Service overflight law.

For the 22<sup>nd</sup> time in the last

four years Congress last month extended temporarily the old FAA law through January 30 (PL 112-30 of September 16.) That supposedly gives the House and Senate time to work out their differences.

The same FAA law also extended the old surface transportation law - the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) - through March 31.

Meanwhile, in a separate development the Government Accountability Office (GAO) in a new report says that every state has recently received more money from SAFETEA-LU than it contributed in gasoline taxes. That's because gas taxes no longer cover all spending under the surface transportation law and Congress must pony up extra appropriations each year.

Said GAO, "From 2005 to 2009, every state received more funding for highway programs than they contributed to the Highway Account of the Highway Trust Fund. This was possible because more funding was authorized and apportioned than was collected from the states, and the fund was augmented with about \$30 billion in general revenues since fiscal year 2008."

In the report, *HIGHWAY TRUST FUND All States Received More Funding Than They Contributed in Highway Taxes from 2005 to 2009*, GAO did not single out park and rec programs. GAO prepared the report for Democratic Reps. Nick Joe Rahall (W.Va.) and Peter DeFazio (Ore.), senior members of the House Transportation Committee. The GAO report is at <http://www.gao.gov/products/GAO-11-918>.

WHERE SAFETEA STANDS: The surface transportation debate right now is focused on the House Transportation Committee under Mica and the Senate Environment and Public Works Committee under Chair Barbara Boxer (D-Calif.) Both are attempting to write multi-year surface transportation bills and have outlined their plans for the legislation.

As for a long-term surface transportation bill, Mica's outline would put up money for six years and would stay within Highway Trust Fund receipts. He would slash funding for surface transportation by more than \$16 billion per year compared to fiscal year 2011. The total annual allocation would come in at around \$27 billion.

Boxer's outline would continue existing spending levels of more than \$40 billion per year, but only for two years. Senate leaders say a Boxer bill would require an extra \$12 billion to \$16 billion above Highway Trust Fund money, presumably from appropriations.

Under siege from the Chamber of Commerce, labor unions and Democrats, Boehner and House Republicans are scrambling to find money to maintain surface transportation spending for the next two years at fiscal 2011 levels.

WHERE OVERFLIGHT STANDS: The House and Senate have each approved long-term FAA extension bills (HR 658, S 223) that include quite different revisions to air tour policy over national parks. The temporary extension bill gives Congress until January 30 to complete the longer-term extension.

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

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

While the House and Senate differ

on overflight policy the overarching issues before a House-Senate conference committee are the price of a bill (House, \$59.7 billion; Senate, \$34.6 billion), the length of a bill (House, four years; Senate, two years) and airline worker union election rules.

## **AGO report sees progress: Get Out West! gets advisors**

Federal agencies October 12 teamed up to publish a progress report on the implementation of President Obama's signature conservation program, the America's Great Outdoors initiative (AGO).

The report doesn't sum up total numbers of dollars spent or acres protected since the initiative was published in February. But it does identify projects big and small that federal agencies are carrying out under the AGO banner.

And it does set ambitious goals for the future including a stronger Land and Water Conservation Fund (LWCF) and the establishment of urban parks and open spaces.

The 15 federal agencies that are implementing AGO under the guidance of Council on Environmental Quality Chair Nancy Sutley took a victory lap.

Said Sutley, "Actions under the America's Great Outdoors initiative are reinvigorating a national discussion about the value of conservation, resulting in smart, innovative strategies and investments that respond to the priorities of American communities."

But the report's central recommendation of full funding of LWCF continues to struggle. The House Appropriations Committee approved virtually no new land acquisitions in a fiscal year 2012 Interior and related agencies spending bill (H 2584) this spring. The measure was on the House floor in July but was not passed. However, a Senate Appropriations Committee "mark" of October 14 would provide \$232.2 million for the program.

That is still well short of the \$900 million authorization.

In the future the AGO report calls on federal agencies to make do with existing assets. "DoI and USDA will continue to ensure that acquisition funds are strategic and targeted, provide maximum benefit for the taxpayer, and leverage other resources to maximize conservation," it says.

Meanwhile, the Western Governors' Association (WGA) under Washington State Gov. Christine Gregoire (D) continues to give substance to its Get Out West! campaign, which is closely related to the AGO initiative.

Gregoire is chairing the association this year. On October 6 WGA announced 16 advisers to the campaign including state parks officials, recreation industry leaders, tourism commissioners and, last but not least, Will Shafroth, councilor to Secretary of Interior Ken Salazar for AGO.

Separately, the Corporation for Travel Promotion (CTP) said this month that it is attempting to raise as much as \$200 million to promote tourist visitation from foreign lands.

The CTP said it has already obtained private sector commitments to spend \$22.2 million on the promotion, with an equal amount of money coming from matching federal funds. Information about CTP is at <http://www.corporationfortravelpromotion.org/>.

Meanwhile, the AGO progress report identifies broad successful agency-wide initiatives, as well as successful specific projects. It describes one large longleaf pine ecosystem initiative this way, "A partnership of state agencies, conservation organizations, individuals, DoD, USDSA, and DoI has developed longleaf pine ecosystem that stretches from Virginia to Texas to 8 million acres over 15 years. Building on these partners' efforts, through AGO we invested \$60 million in federal funds to restore longleaf pines on federal and private working lands including 130,000 private land acres have added through federal programs."

The report also describes specific steps that the federal government has taken to protect Everglades National Park. It notes, "In August of this year USDA announced \$100 million in landowner agreements with farmers and ranchers to restore wetlands and permanently conservation nearly 24,000 acres of agricultural lands in the Northern Everglades."

It added, "DoI complemented this action by proposing a new Everglades Headwaters National Wildlife Refuge and Conservation Area." The refuge and conservation area would include 100,000 acres through easement and 50,000 acres of acquired land.

The AGO progress report is at the AGO website, [www.americasgreatoutdoors.gov](http://www.americasgreatoutdoors.gov).

## House panel okays bill to boost Border Patrol powers

A House committee approved legislation (HR 1505) a fortnight ago that would require federal land managers to cooperate with Border Patrol agents who operate on federal lands near Mexico and Canada.

HR 1505 would waive some 30 laws, if the Department of Homeland Security sought access to the border for security purposes. The laws include the Wilderness Act, the Endangered Species Act, the National Historic Preservation Act, the Safe Drinking Water Act, the Wild and Scenic Rivers Act, and more.

Environmentalists described the bill approved by the House Natural Resources Committee as excessive while Republicans said it would help protect Americans and public lands.

Said The Wilderness Society President William H. Meadows, "The National Security and Federal Lands Protection Act is an overreaching bill that tramples on the rights of Americans to clean water, healthy air and a world-class natural legacy. It is manipulating a serious security issue to eviscerate long-standing and

overwhelmingly popular public health policies."

But House committee Chairman Doc Hastings (R-Wash.) said, "Border Patrol has become encumbered with layers of environmental regulations and procedural hurdles that inhibit them from being able to do their job efficiently and effectively. As a result, our public lands are specifically targeted by criminals, drug smugglers and human traffickers who damage the environment and endanger American lives."

More than 20 million acres of national parks, national forests, wildlife refuges and public lands line the borders between the United States and Mexico and the United States and Canada.

At an April 13 hearing held by the Hastings committee federal officials from the Interior Department, Agriculture Department and U.S. Border Patrol said their agencies work together to assure access to border lands.

Said Ronald Vitiello, deputy chief of the United States Border Patrol, "Although the Border Patrol's enforcement efforts on federal lands can pose unique challenges, the relationships and partnerships that we have fostered with DOI, as well as other federal, state, local and tribal agencies have enabled us to better execute our border security mission in these areas while minimizing the impact to the environment,"

But House Natural Resources Committee Republicans charge that federal land managers use environmental regulations to keep the Border Patrol out of the 20.7 million acres along the U.S.-Mexico border and the 1,000 miles on the U.S.-Canada border. That includes 4.3 million acres of wilderness.

## Notes

**Feds to reprise fee-free days.**  
Secretary of Interior Ken Salazar October 17 said the Obama administration will hold a series of no-entrance-

fee days in 2012, as it did in 2011, to encourage visitation to national parks, national forests, public lands and wildlife refuges. Salazar said the Park Service will hold 17 fee-free days, beginning with "January 14 to 16 (Martin Luther King, Jr. weekend), April 21 to 29 (National Park Week), June 9 (Get Outdoors Day), September 29 (National Public Lands Day), and November 10 to 12 (Veterans Day weekend)." More info at: <http://www.nps.gov/findapark/feefreeparks.htm>.

**MLK Memorial finally dedicated.**

Almost two months after it was informally dedicated, a Martin King, Jr. Memorial was formally acknowledged October 16 in Washington, D.C. President Obama participated in the ceremony which blessed the 395<sup>th</sup> unit of the National Park System. The formal dedication was scheduled for August 28 but was postponed by Hurricane Eugene. The site lies roughly midway between the Lincoln Memorial and the Jefferson Memorial. It was built with \$120 million in private donations. The donations were assembled by the Martin Luther King, Jr. National Monument Foundation. King of course was a leader of the Civil Rights Movement in the United States from the mid-1950s until his death in 1968. Using nonviolent techniques King helped bring about voting rights and housing rights laws that transformed America. The memorial site in Washington, D.C., is a separate entity from a Martin Luther King, Jr. National Historic Site in Atlanta. The Atlanta site includes several buildings and properties that are important to King's life including his birthplace and the Ebenezer Baptist Church where King and his father pastored. As for the memorial in Washington Congress authorized its establishment in 1996, 25 years before construction of the massive monument on four acres was completed. There are three key websites, one for the memorial, [www.nps.gov/mlkm/](http://www.nps.gov/mlkm/), one for the foundation that raised money for the memorial, [www.mlkmemorial.org](http://www.mlkmemorial.org), and one for the historic site in Atlanta, <http://www.nps.gov/malu/>.

**Ski bill gets in position.** The Senate October 18 joined the House in

approving legislation (HR 765) that would make clear what uses ski resorts may and may not provide on federal lands in the off-season. The ski industry has asked Congress to provide specific authority so member resorts could offer additional services in the summer. The House approved the bill October 4. The measure may be a lead candidate for an omnibus lands bill, if an omnibus lands bill is prepared this year. Although Republican leaders in the House Natural Resources Committee profess to oppose omnibus legislation they continue to move individual bills, such as HR 765. The Senate Energy Committee is usually more amenable to omnibus lands bills.

**NPS recommends Chavez site.**

The Park Service recommended in a study last week the designation of a Cesar Chavez Historic Site that would be the first to recognize an American Latino. Chavez was a noted labor leader who helped secure contracts for more than 100,000 workers. The study recommends five areas be included in the site including: Forty Acres National Historic Landmark and Filipino Community Hall in Delano, Calif.; Nuestra Senora Reina de la Paz in Keene, Calif.; the Santa Rita Center in Phoenix, Ariz.; and the 1966 Delano to Sacramento March Route, Calif. The study says NPS may be able to manage the sites without land acquisition. If landowners wish to sell rather than donate land, Congress would of course have to authorize an acquisition. The study estimates an annual operations budget of between \$1 million and \$3 million. The draft study is at <http://parkplanning.nps.gov/projectHome.cfm?projectID=36145>. The public may comment through November 14, 2011.

**Report describes rec jobs impact.**

A landmark study blessed by former Secretary of Interior Dirk Kempthorne says that recreation and historic preservation support 9.4 million jobs in the country. At a time when Congress is tightly focused on jobs, the report makes the case that recreation is a jobs-producer. "As a former Secretary of the Interior, governor, senator and mayor, I have witnessed firsthand how historic preservation, conservation and outdoor recreation result in tremendous benefits to our nation's

economy," said Kempthorne. "This study is a valuable tool for reaffirming and quantifying those benefits." Kempthorne, a former governor of Idaho, served as secretary of Interior in the George W. Bush administration. The study was commissioned by the National Fish and Wildlife Foundation and conducted by Southwick Associates. The study was published October 12 two days before the Senate Appropriations Committee issued a draft fiscal year 2012 appropriations bill with significantly higher recommendations for recreation and historic preservation programs than a House bill (HR 2584). The study is at: [http://www.nfwf.org/AM/Template.cfm?Section=Who\\_We\\_Are&TEMPLATE=/CM/ContentDisplay.cfm&CONTENTID=21773](http://www.nfwf.org/AM/Template.cfm?Section=Who_We_Are&TEMPLATE=/CM/ContentDisplay.cfm&CONTENTID=21773).

**Hearing set on refuge bill.** A House subcommittee will hold a hearing October 25 on legislation (HR 3009) from Rep. John Fleming (R-La.) that would require Congressional approval of any additions to the National Wildlife Refuge System. The hearing will be hosted by the House subcommittee on Fisheries and Wildlife that Fleming chairs. Under existing law the Department of Interior may designate refuges after careful study. But Fleming said that administrative power creates new expenses. "This legislation will effectively end the practice of the Administration designating national wildlife refuges, which creates significant taxpayer liabilities," he said. "There is no reason why the process for creating wildlife refuges should be any different from the established process used for designating national parks and forests, wilderness areas, wild and scenic rivers, and other federally protected areas." The wildlife refuge system covers more than 150 million acres in 553 units.

**Yellowstone visitation down.** Yellowstone National Park said earlier this month that visitation for the summer exceeded 3 million for the third consecutive year. However, the summer visitation of 3,090,615 was down by more than 200,000 compared to last year, a decrease of 6.6 percent. Visitation for the summer of 2010 was 3,308,412.

**Anzelmo receives NPCA award.** The

National Parks Conservation Association (NPCA) October 14 awarded Joan Anzelmo, a do-everything Park Service employee in the Rockies, with its Stephen T. Mather award. Anzelmo, who retired in July, served as superintendent of Colorado National Monument (for the last four years), chief spokesperson at Yellowstone and Grand Teton National Park and chief spokesperson for the entire National Park System. NPCA Senior Vice President for Government Affairs Craig Obey presented the award at the Association of National Park Rangers Conference in Williamsburg, Va. "Joan is exactly the type of person we want in charge of our national treasures," Obey said. "Her determination and dedication to our parks cannot be swayed, and she has had the courage to stand up to pressure from powerful, connected interests."

Another oceans hearing set. House Republicans will give the Obama an opportunity October 26 to respond to their complaints about an administration ocean policy with broad implications for recreation. The House Natural Resources Committee announced October 19 that it would hold a hearing on the policy with Council on Environmental Quality Chair Nancy Sutley and Under Secretary of Commerce Jane Lubchenco. At an initial hearing October 4 committee Republicans said the policy would result in "zoning" of the ocean and place large portions of it off limits, including to recreation uses. The Republicans also said the White House had no authority to issue the policy because it is a Congressional prerogative. But ranking committee Democrat Edward Markey (Mass.) defended the administration policy, saying it would actually produce jobs and improve the oceans' health. In 2009 the Obama administration put together its own task force headed by Council on Environmental Quality (CEQ) Chair Nancy Sutley and made up of 24 other representatives of various other federal departments and offices. That task force submitted a report to the President on July 19, 2010, the same day Obama signed Executive Order 13547 to implement the task force's recommendation. The task force report of January 2010 mentions recreation as a central element of spatial planning.

## Boxscore of Legislation

<u>LEGISLATION</u>	<u>STATUS</u>	<u>COMMENT</u>
<b>Appropriations fiscal 2012</b> HR 2584 (Simpson)	<b>(Interior, etc.)</b> House floor in July, but not completed. No Senate action. Senate draft published Oct. 14.	Would reduce grant programs sharply, land management agency less so. Senate draft more generous.
<b>Appropriations fiscal 2012</b> HR 2112 (Kingston)	<b>(Agriculture)</b> House approved June 16. Senate Committee approved Sept. 7.	Would reduce conservation spending by \$1 billion.
<b>Appropriations fiscal 2012</b> HR 2018 (Frelinghuysen)	<b>(Energy and Water)</b> House approved July 15. Senate Committee approved Sept. 7.	Would block issuance of wetlands permit guidance.
<b>Appropriations fiscal 2012</b> No bill yet	<b>(Transportation)</b> House subcommittee approved Sept. 8, Senate committee approved Sept. 21	Committee spending cap would reduce spending by \$7.7 billion.
<b>Budget fiscal 2012</b> H Con Res 43 (Ryan) (No Senate bill yet)	House approved April 15.	Would reduce spending overall but keep natural resources level.
<b>Appropriations 2011 CR Omnibus</b> HR 1473 (Rogers)	President signed into law April 15 as PL 112-10.	Reduces spending across the board compared to fiscal 2010, sometimes substantially. Includes Interior, Energy and Water, Agriculture and Transportation bills.
<b>LWCF (guaranteed funding)</b> S 1265 (Bingaman)	Bingaman introduced June 23.	Would guarantee full funding of LWCF each year without appropriations action.
<b>LWCF (fed lands access)</b> S 901 (Tester)	Tester introduced May 5.	Would allocate 1.5 percent of LWCF for access to fed lands for rec.
<b>Urban parks</b> HR 709 (Sires)	Sires introduced February 15.	Would provide \$450 million per year to rehabilitate urban parks.
<b>Roadless areas</b> HR 1581 (McCarthy) S 1087 (Barrasso)	McCarthy introduced April 15. Barrasso introduced May 26.	Would reverse Clinton roadless rule, block Salazar 'wild lands' policy, release FS and BLM roadless areas.
<b>National monuments</b> HR 302 (Foxx) HR 758 (Herger) S 407 (Crapo)	House hearing September 13.	Would require state approval of any national monument under Antiquities Act. Herger, Crapo would require Hill approval within two years.
<b>California Desert monument</b> S 138 (Feinstein)	Feinstein introduced January 25.	Would designate a Mojave National Monument and protect 1.6 million acres.
<b>National parks overflights</b> HR 658 (Mica) S 223 (Rockefeller)	House approved April 1. Senate approved February 17,	House tilts towards tour operators and Senate tilts more toward protection.
<b>Ski areas</b> HR 765 (Bishop) S 382 (Udall)	House approved October 4. Senate approved October 18.	Would have FS allow year-round rec activities in ski resorts.
<b>NPS air tour policy</b> HR 658 (Mica) S 223 (Rockefeller)	House approved April 1. Senate approved February 17.	Both would revise NPS air tour policy, but bills vary greatly.
<b>Glacier park protection</b> S 233 (Baucus)	Baucus introduced January 31.	Would withdraw from mining 300,000 acres of adjacent national forest.