

Federal Parks & Recreation

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Hill strikes deal on short-term spending; work to do

After the customary threat of a government shutdown, the House October 4 gave final approval to a temporary spending bill (HR 2608) that will keep the government in money through November 18.

The latest shutdown ordeal erupted over a temporary fiscal year 2012 spending bill in late September. The House narrowly passed an original version of HR 2608 September 23, but the Senate rejected it by a 59-to-36 vote later the same day.

The Democrats objected to the bill because it would offset emergency assistance money with deductions from other programs.

But on September 26 the Senate revised HR 2608 to remove the emergency assistance money and sent the bill back to the House. On September 29 the House accepted an extension of fiscal 2011 spending until October 4.

Again on October 4 the House approved a six-week extension in spending through November 18 by a 352-to-66 vote.

Even though the Republicans and Democrats agreed on temporary spending to avert a shutdown the mere threat of a shutdown has consequences. Ask Park Service concessioners.

"Every time there is talk of a shutdown concessioners lose 10 percent of their reservations," said Derrick Crandall, president of the National Parks Hospitality Association. "People hear of a shutdown and decide they don't want to take the risk. The way the Park Service treats concessioners it's not like private resorts that on

cancellation companies can at least bill for the first day or so. Concessioners lose the entire reservation."

The temporary, six-week spending bill provides funding at a rate 1.5 percent less than in fiscal year 2011. That is per a grand budget agreement (PL 112-25 of August 2).

HR 2608, in the form of a continuing resolution (CR), theoretically gives Congress time to write individual appropriations bills for the entire fiscal year, or to combine them in one omnibus bill. But the deep division between Republicans and Democrats almost guarantees new shutdown threats.

While the CR, prepared by the House Appropriations Committee, would shift money around among some programs, it appears that no park and rec initiatives are directly affected.

Meanwhile, appropriators are expected to wrap all remaining individual spending bills (about 10 of them) into one omnibus CR in the next two months to provide money for the entire fiscal year 2012.

The House has either passed or begun to address most individual fiscal 2012 appropriations bills. Similarly, the Senate Appropriations Committee has now passed all but two individual bills. However, the full Senate has passed just two, for the Department of Defense and for Homeland Security.

The House spent a week in July considering an Interior and Related Agencies appropriations bill (HR 2584), but did not complete it. It is unlikely HR 2584 will reach the floor as a stand-alone bill. It will more than likely be subsumed by a whole year CR.

The Senate Appropriations Committee has not yet begun to address an Interior appropriations bill, supposedly because of controversies over possible curbs on EPA regulations. EPA is funded by 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 Senate Appropriations Committee approved a counterpart bill September 7.

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 surface transportation programs.

INTERIOR BILL: The House spent a week in July working on an Interior bill (HR 2584) but did not complete it. At press time House leaders had not established a schedule for taking up the bill, either by itself or in an omnibus bill. Nor has the Senate Appropriations Committee begun to address an Interior measure yet.

In the Interior bill the House has been in general tough on "conservation" programs, such as the Land and Water Conservation Fund, heritage areas, state and wildlife conservation grants and historic preservation grants. Federal land managers are doing a bit better, with Park Service and Forest Service appropriations in the neighborhood of fiscal 2011 numbers.

A CR usually imposes strict time

limits on floor actions, making it more difficult for supporters of amendments to HR 2854 to gain floor time to offer the amendments. Two major amendments are still pending - one to bar uranium mining on federal lands near Grand Canyon National Park and one to bar the designation of national monuments by the President.

House GOP searching for full funding for roads bill

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

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.

It was widely reported last week that Speaker of the House John Boehner (R-Ohio) and other House Republican leaders were working with Mica to come up with the extra money, but not with an increase in gasoline taxes.

Options are few for the Republicans, short of chopping money out of other programs, but a couple of possibilities are reportedly being bruited about. Most prominently, a fiscal year 2012 budget agreement (PL 112-25 of August 2) reached between the administration and Congressional leaders could free up as much as \$25 billion more than originally planned by the House. That \$25 billion is government-wide, domestic and military.

If additional money is not found, park and rec programs would more than likely take a disproportionate hit from any reductions. That's because Mica and his allies have said time and again they want highway money spent on roads and bridges, not on trails, byways, routes to schools, etc.

The focus of the action right now is the House Transportation Committee under Mica and the Senate Environment

and Public Works (EPW) 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.

JOBS BILL IN TROUBLE: In a related development Senate Majority Leader Harry Reid (D-Nev.) has been unable to bring an Obama administration jobs bill to the floor. Republicans say he doesn't have the votes.

The bill includes a one-time infusion of \$500 million to the transportation enhancements program and \$550 million for federal and Indian roads (with \$170 million to the Park Service.) That money would be separate from regular transportation spending.

As for a long-term surface transportation bill, Mica's draft 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 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.

Congress gave Mica and Boxer time to develop their bills September 16 by extending the existing surface transportation law through March 31 (PL 112-30).

During the preparation of that extension bill Sen. Tom Coburn (R-Okla.) demonstrated how at risk park and rec programs are, and will continue to be. He mounted an attack on the Senate floor against the transportation enhancements (TEs) program in general and trails in particular.

Coburn said he was preparing an amendment that would forbid the distribution of any highway money for the program. Senate Majority Leader Harry Reid (D-Nev.) said Coburn intended

to place a hold on the legislation, holding up emergency money that was attached to the bill in order to block TE spending.

But Coburn backed off under intense pressure from Reid, Boxer, Oklahoma's other Sen. James Inhofe (R), conservationists and historic preservationists.

Boxer apparently made the decisive argument, telling Coburn she would offer reforms to TE spending when her committee writes a multi-year surface transportation spending bill between now and March 31.

Separately, Kentucky and Indiana Republicans introduced legislation (HR 3085, S 1648) October 4 that would eliminate TE altogether (*see following article.*)

The pressure on House Republicans is being applied by the U.S. Chamber of Commerce, unions and President Obama. They urge Congress to continue highway spending at fiscal 2011 levels, as a minimum. Said U.S. Chamber of Commerce Chief Operating Officer David Chavern in a recent statement, "(Surface transportation) legislation must both reform surface transportation policy and programs and provides the necessary resources to supplement user fee revenues to the Highway Trust Fund and maintain investment in highways, public transportation, and safety."

AFL-CIO President Richard Trumka joined President Obama and Chavern at the White House on August 31 in a call for Congress to provide full funding in fiscal 2012 for surface transportation.

There are several options for picking up the \$12 billion or so that would be needed to finance surface transportation programs in fiscal 2012 at fiscal 2011 levels, none of them perfect.

Perhaps the least troublesome would be to use a portion of an extra \$25 billion in discretionary domestic and military spending that House and Senate leaders agreed to in the budget deal.

A second source would be an expected reduction in Defense spending and a third would be offsetting deductions to ongoing domestic programs.

Midwestern GOP legislators introduce measure to kill TE

Republican critics of the transportation enhancements (TE) program opened a direct assault on it October 4 by introducing legislation in both the House and Senate (HR 3085, S 1648) to eliminate the program.

The sponsors of the bill, all from Kentucky and Indiana, would allocate the \$600 million-plus per year from TE to emergency highway and bridge safety repairs.

The lead sponsors of the bill denigrated the TE program. Sen. Rand Paul (R-Ky.) described it 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."

Supporters of the TE program such as the Rails-to-Trails Conservancy and the National Trust for Historic Preservation don't agree. They say TE provides vital trails and other improvements to communities. The conservancy calls TE a "popular, cost-effective program that provides affordable transportation, creates jobs and improves health."

The bill is not likely to get very far by itself, particularly in the Democratic Senate. But it does represent just one more attack on TE.

The bottom-line argument of the Republican critics holds that gasoline taxes should be used to build and repair highways and bridges, not for secondary enhancements to the transportation system.

In a previous attack on TEs last month Sen. Tom Coburn (R-Okla.) said he was preparing an amendment to legislation to extend the underlying

surface transportation program that would forbid the distribution of any gas tax money for the program. Senate Majority Leader Harry Reid (D-Nev.) said Coburn was willing to delay the bill to extend the overall surface transportation for six months in order to block TE money.

Under intense pressure from Reid, Senate Environment and Public Works Committee Chairman Barbara Boxer (D-Calif.), Oklahoma's other Sen. James Inhofe (R), conservationists and historic preservationists Coburn backed off.

TE may suffer a more serious hit when the Senate EPW committee and the House Transportation Committee write long-term surface transportation bills over the next six months. *(See previous article.)*

Transportation committee chairman John Mica (R-Fla.) has made it clear he doesn't intend to include "fluff" set-aside programs in his bill, such as TEs. And Boxer committed to Coburn to revise the TE program when her committee writes a bill. The reform reportedly will consist of delegating authority to states to opt out of TE, if they so wish.

But Sen. Paul and Rep. Young would go further and eliminate the TE program altogether. Their simple bill would delete all references to TE under the Surface Transportation Program section of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). TEs now receive 10 percent of surface transportation money from SAFETEA-LU.

Paul and Young said they introduced the legislation in large part 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.

Giving heft to the Paul bill is the cosponsorship of Senate Minority Leader Mitch McConnell (R-Ky.)

Yellowstone commits to extending snowmobile rule

The Park Service said September 29 that it has decided to extend for one more year snowmobile regulations for Yellowstone National Park. Surprisingly, competing interests endorsed the extension.

Although the park has been analyzing the issue in numerous environmental documents for a decade it said it needed more time to assess such issues as impacts on air quality and sound.

The park's decision postpones for a year its May 10 proposal to authorize variable daily limits on snowmobile use with as many as 330 on peak days and as few as 110 on slow days. The average would be 254 machines per day. Snowcoach use would range from 30 to 80 vehicles per day.

That compares to last winter (and this upcoming winter) when NPS allowed (and will allow) up to 318 snowmobiles and 78 snowcoaches per day.

Wyoming Gov. Matthew H. Mead (R), an advocate of higher snowmobile caps, said the extension is the "right thing." Mead said, "It is important we get this Winter Use Plan right. The Park Service identified significant holes in the draft plan, some of which Wyoming raised in its comments to the Park Service. Our goal is to see the best outcome possible that will allow many opportunities for winter visits to Yellowstone."

The Coalition of National Park Service Retirees, an advocate of lower snowmobile caps, was "encouraged" by the Park Service delay, said Richard B. "Rick" Smith, a member of the coalition's executive council. The coalition has consistently opposed the use of snowmobiles in the park.

Said Smith, "If it takes more work for the National Park Service to finalize a long-term plan that honors this strong public desire and ensures that the very best science is guiding Yellowstone's

stewardship, it's a worthwhile investment."

The Park Service said September 29 it will complete this fall before the 2011-12 winter season begins a draft EIS and record of decision, followed by a new regulation to carry out the decision. The park also said it would use the next year to prepare a "long-term" decision and regulation based on a supplement to the 2011-2012 EIS.

Gov. Mead and the Wyoming Congressional delegation have recommended up to 520 snowmobiles per day in the park, far above the maximum proposed by NPS.

A powerful coalition of the Park Service retirees and environmentalists is asking NPS to phase out snowmobile use, period, in favor of snowcoaches. "By facilitating a complete transition to snowcoach access within Yellowstone, you will fulfill Director (Jon) Jarvis's charge for a sustainable winter management plan 'consistent with the NPS mission, best available sound science, accurate fidelity to the law, and the long-term public interest,'" said the alliance in July.

The alliance includes the Coalition of National Park Service Retirees, Greater Yellowstone Coalition, National Parks Conservation Association, Natural Resources Defense Council, Sierra Club, and Winter Wildlands Alliance.

From the other side the BlueRibbon Coalition said the NPS limit is too low, and has asked for a range of 400 to 450 snowmobiles per day.

The Park Service for the fourth time in a decade is attempting to develop a permanent rule to govern snowmobile use in Yellowstone. The previous three rules were thrown out by various courts, forcing NPS to issue temporary rules.

The draft plan/EIS presents seven alternatives, ranging from no motorized use to up to 720 snowmobiles and 78 snowcoaches per day. Except for Alternative One, which would bar all

powered vehicles from the park, the alternatives anticipate substantial snowcoach use to complement snowmobile use.

For more information on the plan go to <http://parkplanning.nps.gov/yell>.

Feinstein angry anew at NPS over Point Reyes oystering

The Park Service has got itself in trouble once again with a powerful U.S. senator over an oyster farm in Point Reyes National Seashore.

This time the trouble springs from a draft EIS the park released a fortnight ago on the permissibility of extending a 40 year-old special use permit that allows the Drakes Bay Oyster Company to take oysters from the seashore.

Although the draft EIS did not pick a preferred alternative, Sen. Dianne Feinstein (D-Calif.), a supporter of the oyster farm, criticized the Park Service for excluding evidence that the oyster farm is harmless. Feinstein and the permittee believe that the Park Service wants the area designated as wilderness.

Said Feinstein, "(The) report largely ignores the conclusion reached in 2009 by the National Academy of Sciences, that 'there is a lack of strong scientific evidence that shellfish farming has major adverse ecological effects on Drake's Estero.'"

The Drakes Bay Oyster Company has operated an oyster farm and cannery within Point Reyes for more than 60 years, providing 30 jobs to the local economy. The company's permit to operate within the park is scheduled to expire on Nov. 30, 2012.

In 2009 Feinstein, at the time chairman of the Senate subcommittee on Interior Appropriations, inserted in a fiscal year 2010 appropriations law (PL 111-88 of Oct. 30, 2009) a rider giving NPS *discretion* to renew the existing permit for 10 years.

While the provision is discretionary, Feinstein has made it clear the permit should be issued for another 10 years. And NPS is not likely to anger the influential appropriator.

Feinstein was reportedly so angry in the summer of 2009 that she held up the nomination of Jon Jarvis as NPS director because he had supported the termination of the oyster farm when he was Pacific West Region director.

In response to the appropriations rider the seashore September 26 published a draft EIS that considers four options, ranging from no action that would open the way for wilderness designation to three versions that would support a 10-year extension of the company's permit.

Said Superintendent Cicely Muldoon, "Our recommendation to the Secretary will be based on the principles that guide such decisions in all national parks, including fidelity to the law, the best available sound science, and the long-term public interest."

The Point Reyes National Seashore first tangled with Feinstein in the fall of 2006 when it published a scientific assessment of the Drakes Estero, the specific location of the oyster farm. The analysis, *Drakes Estero: A Sheltered Wilderness Estuary*, described adverse environmental impacts from the oyster farm. The park argued that the farm does not conform to uses allowed in potential wilderness.

But at the request of Feinstein the National Academies of Science conducted a separate scientific analysis. On May 5, 2009, the academy held that in the NPS study there was "a lack of evidence that the current level of oyster farming has major adverse effects on the ecosystem of Drakes Estero."

Subsequently, the Interior Department Solicitor's office said an unidentified "informant" complained that the park "suppressed" 250,000 photographs that allegedly demonstrated the oyster farm didn't harm seals.

Said Feinstein last week, "Missteps by the National Park Service have fundamentally undermined its ability to accurately review this application. It is my hope that the final environmental report, and Secretary Salazar's decision, will rely on objective findings from the National Academies of Science and the Marine Mammal Commission. I believe that course is the only way for the Park Service to salvage any credibility."

House approves ski resort bill; omnibus candidates move

Western Republicans have consistently sworn opposition to an omnibus lands bill this year. Nevertheless, they continue to move lands bills they support into position for addition to a jumbo measure.

This past week the House began moving three fairly substantial park and rec bills and a dozen less consequential measures.

Topping the list was the full House approval October 4 of a bill (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 next day on October 5 the House Natural Resources Committee approved a bill (HR 1505) that would guarantee to the Department of Homeland Security access to public lands along the nation's borders. HR 1505 would waive some 30 laws, including the Wilderness Act. HR 1505 was among 21 bills the committee approved that day.

Finally, on October 4 the House subcommittee on National Parks held a hearing on a bill (HR 1335) that would authorize a major expansion of Gettysburg National Military Park.

House Natural Resources Committee Chairman Doc Hastings (R-Wash.) and his western colleagues have insisted that all lands bills move on their own. As

an aide to Hastings told us recently, "Chairman Hastings does not support omnibus legislation."

The Senate version of the ski resort bill (S 382) may also be in trouble as a stand-alone bill. The lead Senate sponsor, Sen. Mark Udall (D-Colo.), took to the Senate floor October 4 to protest delays in getting S 382 to the full Senate, presumably because a "hold" or "holds" from other senators.

Said Udall, "Despite bipartisan and bicameral support for the bill, and the fact that it would create jobs, I have not been able to get this bill to a vote on the floor of the Senate. I am tempted to ask unanimous consent that the bill pass, but I will continue to work in the regular order to move the bill to the floor of the Senate and on to passage."

As for an omnibus the Senate Energy Committee under chairman Sen. Jeff Bingaman (D-N.M.) has been more accommodating to jumbo bills in the past. However, Senate leaders have not indicated they will put together an omnibus bill this year, despite hearings on large numbers of bills.

Here's some of what the House and Senate are working on:

* SKI AREA SUMMER AUTHORIZATIONS (S 382, HR 765). The House approved this bill October 4 by a 394-to-0 vote. The Senate Energy Committee approved it August 2. The lead sponsor of the House bill is Republican Rep. Rob Bishop (Utah), chairman of the House subcommittee on National Parks. The measure would make clear what uses ski resorts may and may not provide on federal lands in the off-season. The ski industry asked Congress to provide specific authority so member resorts could offer additional services in the summer.

* BORDER ACCESS (HR 1505): The House Natural Resources Committee approved HR 1505 October 5. No Senate bill. 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.

* GETTYSBURG EXPANSION (HR 1335): The House subcommittee on National Parks held a hearing on this bill October 4. No Senate bill has been introduced, although it was in past Congresses. HR 1335 would add the Gettysburg Railroad Station to Gettysburg National Military Park and would add a 45-acre tract south of the battlefield to the park.

* REVOLUTIONARY WAR AND WAR OF 1812 (S 779, HR 2489). Would authorize the Park Service to acquire battlefields through fiscal 2022 with up to \$10 million each year for Civil War battles and \$10 million each year for Revolutionary War and War of 1812 battles combined. Senate hearing May 11. No House action.

* NATIONAL PARK IN DELAWARE (S 323). Would establish a First State National Historical Park in the State of Delaware to recognize in part the state's role in the establishment of the Republic. Senate hearing May 11. No House action.

* VALLES CALDERA TRANSFER FROM FS TO NPS (S 564). Would transfer 88,900 acres in the Valles Caldera of the Santa Fe National Forest in New Mexico to the National Park Service. Senate hearing May 11. No House bill.

* NATIONAL MONUMENT: CHIMNEY ROCK (S 508, HR 2621). Would designate a 4,726-acre monument in the San Juan National Forest in the San Juan Mountains of southwest Colorado. Senate hearing May 11. No House action.

* WACO MAMMOTH NATIONAL MONUMENT (S 849, HR 1545). Would include in the National Park System a site that includes remains of mammoths in Waco, Texas. House hearing June 14. Senate hearing May 11.

* FEDERAL LAND TRANSACTION FACILITATION ACT (S 714). Would allow the Bureau of Land Management to sell lands cleared by all land management

plans, not just plans completed prior to 2000, as the old law does. Most of that money is used for conservation and acquisition. Senate committee approved September 6. No House bill.

* NATIONAL WOMEN'S HISTORY MUSEUM (S 680, HR 2844). The Senate Environment and Public Works Committee approved S 680 May 2. The House Transportation Committee approved HR 2844 September 8. The bills would authorize the transfer of federal land in Washington, D.C., to the National Women's History Museum, Inc. for the establishment of a women's museum.

BLM posts NLCS strategy, insists it's just guidance

The Bureau of Land Management (BLM) last week completed a new strategy to protect conservation values in the 25 million-acre National Landscape Conservation System (NLCS).

The strategy sets a goal of updating land management plans for all monuments and national conservation areas to maximize conservation, within limits set by Congress. However, a BLM spokeswoman said the strategy does not require plan revisions. "It does not provide any direction to field offices to revise plans," said spokeswoman Megan Crandall.

Although BLM the last decade went through an exercise of writing travel management plans by all its offices, the strategy recommends the issuance of new travel management plans within five years or completion of land use plans that designate off-highway vehicle (OHV) routes.

Within all those planning efforts the strategy directs the field to emphasize protection of the lands. It says, "Limit discretionary uses to those compatible with the conservation, protection, and restoration of the values for which NLCS lands were designated."

BLM published the *National Landscape Conservation System 15-year Strategy 2010-2025* on September 30, a

Friday. And Friday is traditionally the day agencies put out potentially troublesome news.

BLM's NLCS system has drawn plenty of criticism in the past, particularly from western Republicans, commodity users of the public lands and OHV users. When Congress attempted to officially bless the NLCS two years ago, which was first established by former Secretary of Interior Bruce Babbitt in 2000, House Republicans resisted mightily. Still, the NLCS legislation succeeded as part of an omnibus lands bill (PL 111-11) in March 30, 2009.

The critics complained that the legislation would give conservation a higher priority than other uses on the 25 million acres, even if Congress had previously authorized the other uses.

The NLCS consists of national monuments, National Conservation Areas, wilderness lands, wilderness study area, wild and scenic rivers, national trails and any other conservation areas designated by Congress.

BLM says the new strategy will not lead to new field direction to replace an instructional memorandum (IM) the agency issued on Sept. 21, 2009. It tells field office how to manage NLCS areas. "There will not be a new IM," said Crandall. "This is really about guiding people in things they need to be considering when managing NLCS lands."

The IM makes clear that the Congressional designation language of each individual area will overrule BLM's multiple use mandate contained in the Federal Land Policy and Management Act (FLPMA).

"Therefore, as a general rule, if the management direction of the proclamation or act of Congress conflicts with FLPMA's multiple use mandate, the designating language supersedes that section of the FLPMA," said the BLM IM No. 2009-215 from the assistant director for renewable resources and planning.

The guidance is available at: http://www.blm.gov/wo/st/en/info/regulations/Instruction_Memos_and

[Bulletins/national instruction/2009/IM 2009-215.html](http://bulletins.nationalinstruction/2009/IM2009-215.html).

The new strategy is available at <http://on.doi.gov/pttikY>.

The strategy offers this direction on land use planning: "Provide land-use plan direction for Monuments and National Conservation Areas (NCA) by developing a stand-alone land-use plan, amending an existing land-use plan, or integrating the unit's planning process into a broader new or revised land use plan. Each Monument and NCA shall have an independent set of decisions that explicitly apply to that unit."

GOP faults Obama ocean policy, in particular zoning

House Republicans took sharp exception October 4 to an Obama administration ocean policy with broad implications for recreation.

The 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.

"This was done without Congressional approval and without specific statutory authority," said House Natural Resources Committee Chairman Doc Hastings (R-Wash.) at a committee hearing on the policy. "With the stroke of the pen, President Obama created a new, huge top-down bureaucracy that could over-ride states and local authorities, and change the way activities on the oceans, coasts and far inland will be managed."

On the zoning front Hastings said, "Especially alarming is the mandatory 'ocean zoning' ordered to be imposed. Disguised with the label of Coastal Marine Spatial Planning, 'ocean zoning' could place huge sections of the ocean off-limits to activities not 'zoned' as government-approved."

The Obama administration did not

testify before the House committee at the hearing on the policy, although program supporter Rep. Sam Farr (D-Calif.) did.

Ranking committee Democrat Edward Markey (Mass.) defended the administration policy. "Instead of supporting a plan (to protect ocean resources)," he said, "the Republican majority continues to pursue scare tactics, claiming that the policy creates additional regulations and kills American jobs. Just the opposite is true. By harmonizing the existing regulations that govern our coasts and oceans this policy will allow development to move ahead more quickly while creating jobs and improving the health of the ocean."

The committee invited numerous critics of the policy to testify, including the Coastside Fishing Club, an alliance of recreation businesses such as outfitters and equipment manufacturers. The fishing club said it feared the policy would reduce access to the oceans for commercial sport fishing.

"Ecosystem based management is laudable from a lay or political perspective, but it is not a well-defined scientific standard unlike management standards in Magnuson-Stevens," said Marc Gorelink, a member of the club's board of directors. "In the end, it is a political football."

The drive for a national ocean policy really began during the Bush administration with the December 2004 publication of a report of the U.S. Commission on Ocean Policy. Among other things the report recommended the establishment by Congress of a \$3.2 billion fund to pay for ocean protection programs. The fund would be financed by oil and gas royalties from offshore oil and gas development.

The report also recommended the establishment of a number of councils, commissions and advisory boards to provide a framework for ocean policy.

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 executive order tells government agencies to put together a National Ocean Council made up of 28 federal officials under the direction of chair Sutley from CEQ.

The executive order also directs the council and all federal agencies to participate in the writing of "marine spatial" plans, using guidance issued by the council. Hastings calls those spatial plans "zoning."

The task force report of January 2010 mentions recreation as a central element of spatial planning which "identifies areas most suitable for various types or classes of activities in order to reduce conflicts among uses, reduce environmental impacts, facilitate compatible uses, and preserve critical ecosystem services to meet economic, environmental, security, and social objectives."

Among transitional uses of the oceans the report identifies environmental/conservation (e.g., marine sanctuaries, reserves, national parks, and wildlife refuges); recreational fishing; other recreation (e.g., boating, beach access, swimming, surfing, nature and whale watching, and diving); tourism; traditional hunting, fishing, and gathering; and working waterfronts.

After the 2004 Bush administration report was issued House and Senate Republicans and Democrats assembled a half-dozen bills to implement it, but none went anywhere. Now the Obama administration proposes to implement the policy administratively.

Republicans on the House committee object to the administration's assumption that it has authority to zone the ocean, as they describe it, without Congressional authorization. "The Obama Administration *has failed to*

cite any specific statutory authority for the Coastal and Marine Spatial Planning initiative," says a committee white paper. "Instead, it throws up a smokescreen list of all statutes that impact the oceans and claims that is their authority." The emphasis is in the white paper.

Interior says new wild lands campaign will be modest

Secretary of Interior Ken Salazar said last week that he hopes to submit to Congress sometime this month recommendations for new wilderness areas that he has gleaned from a national research campaign.

But Salazar's deputy David Hayes said that the list will not be comprehensive, suggesting it will consist of doable recommendations that already enjoy Congressional support.

"This is not going to be an exhaustive list," said Hayes at a September 29 press conference. "This is an illustrative list of areas that we think deserve Congressional attention for potential permanent protection on the lines that the stakeholders themselves have been putting forth."

The recommendations will be forwarded to the House Natural Resources Committee, whose Republican leaders have been ferocious critics of Salazar and most everything he has tried to do, and the Senate Energy Committee, whose Democratic leaders have been supportive of Salazar.

Despite the House Republicans' reservations about wilderness, the committee will probably give the recommendations an airing. "We expect to hold hearings later in October on the Administration's proposals and other wilderness issues," said a committee spokeswoman.

The Senate Energy Committee under chairman Sen. Jeff Bingaman (D-N.M.) will take a good look at the recommendations before proceeding. "Chairman Bingaman looks forward to learning Salazar's recommendations,

and to discussing these with Ranking Republican Murkowski," said a committee spokesman. "Together they will decide what an appropriate next step is for the committee." Murkowski is Sen. Lisa Murkowski (R-Alaska).

Although Salazar said the recommendations were still being developed he offered examples of two possibilities, both incorporated in bills introduced by Republican House members.

Said Salazar when asked at the press conference about possible recommendations, "Wilderness bills have been introduced by people from both parties. You have Congressman Issa's Beauty Mountain proposal in California. You have Congressman Simpson's wilderness proposal for White Clouds in Idaho. You have a number of other measures that have already been introduced."

The Beauty Mountain bill (HR 41) from Rep. Darrell Issa (R-Calif.), chairman of the House Oversight Committee, would designate as wilderness 13,635 acres managed by the Bureau of Land Management (BLM) in San Diego County. Sen. Barbara Boxer (D-Calif.) has introduced a counterpart bill (S 1574).

The White Clouds bill (HR 163) from Rep. Mike Simpson (R-Idaho), chairman of the House subcommittee on Interior appropriations, would designate a 91,000-acre White Clouds Wilderness area in the Sawtooth and Challis National Forests in Idaho. The proposed White Clouds wilderness is part of a much larger Central Idaho bill that would designate an additional 240,000 acres of both BLM and Forest Service-managed land.

The recreation industry claims a major stake in this battle. For instance more than 30 national outdoor industry companies came together last month to oppose a proposed oil and gas development plan for the Desolation Canyon in Utah. The companies would prefer to have most of the area protected as wilderness.

They said in a letter to Secretary of Interior Ken Salazar, "If approved as currently proposed, this project will be devastating to one of the nation's wilderness crown jewels and river-trip destinations: Desolation Canyon."

The leader of the companies, Black Diamond CEO Peter Metcalf, is a major champion of Salazar's 'wild lands' initiative that asked BLM to inventory and designate wild lands.

Salazar's upcoming wilderness recommendations are a piece with the Obama administration's overall campaign to protect "Treasured Landscapes" around the country. As part of that campaign last December Salazar directed BLM to inventory and designate "wild lands."

Congressional Republicans objected to the wild lands campaign because they said it usurped Congressional authority to designate wilderness. So the Republicans persuaded Congress to cut off money for the program through fiscal year 2011 in an appropriations bill (PL 112-10 of April 15). A fiscal 2012 Interior appropriations bill (HR 2584) that went to the House floor in July (but was not passed) would extend the prohibition.

Salazar himself has pledged not to designate any wild lands without Congressional approval.

The Obama administration may have one other ace up its sleeve, albeit a most controversial one - authority under the Antiquities Act of 1906 to designate national monuments.

However, western Republicans have introduced six bills that would limit in some way, shape or form a President's authority to use the law.

After Congress blocked his wild lands program Salazar on June 10, 2011, Salazar asked Congressional delegations to nominate possible wilderness lands. The designations would require Congressional action.

But western hostility to Salazar's solicitation was demonstrated September 7 when the entire Utah Congressional

delegation demanded that the state be excluded from the review.

Notes

Washington Monument is closed.

The Washington Monument in the middle of the Washington Mall will be closed indefinitely because of damage it suffered during an earthquake August 23. This last week engineers scaled the outer walls to look for cracks. As has been well documented the interior of the 555-foot monument suffered at least superficial damage. The park has posted video from within the monument on the day of the earthquake showing the tremors and debris showers suffered by the monument and by visitors. The film led at least one national news network's evening broadcast. No one was injured in the earthquake. The park has not said when the monument will reopen.

911 park unit possible.

Sen. Daniel Inouye (D-Hawaii) introduced legislation (S 1537) last month that would transfer to the Park Service a National September 11 Memorial and Museum in New York City. The bill would also authorize appropriations of \$20 million per year for the operation of the museum beginning in fiscal year 2012. The bill would require a nonfederal match of the money from entrance fees and contributions. Said Inouye, who holds the Congressional Medal of Honor for fighting in World War II, in a September 9 statement, "Mr. President, today, I rise to introduce a bill that will allow the United States, through the Secretary of the Interior, to take ownership of the lands, the Memorial and the Museum, after the appropriate approvals are secured from the Governor of the State of New York, the Governor of the State of New Jersey, and the Mayor of New York City." Inouye chairs the Senate Appropriations Committee so is in position to add his bill to a fiscal 2012 Interior appropriations bill, or to any other spending bill. Rep. Jerrold Nadler (D-N.Y.) introduced a counterpart bill (HR 2882).

Former NPS director Kennedy dies.

Roger Kennedy, who was director of the National Park Service from June 1993 to March 1997, died Sept. 30, 2011,

of melanoma. He was 85. During his tenure in the Clinton administration he oversaw a downsizing and restructuring of the National Park System. Before heading NPS Kennedy served as director of the Smithsonian's National Museum of American History, where, by all accounts he popularized the once-staid museum. He headed the museum for 13 years from 1979 until he took the Park Service job. "Roger Kennedy was a Renaissance man," said NPS Director Jonathan B. Jarvis. "He led our agency effectively and passionately during a difficult time."

DoI designates N.M. urban refuge.

The Interior Department September 29 designated administratively a new urban wildlife refuge in Albuquerque, N.M., on a former 570-acre dairy farm. The Bernalillo County Commission has allocated \$5 million for land acquisition for the unit of the National Wildlife Refuge System. The Interior Department said additional land acquisition money would come from the Land and Water Conservation Fund. Interior said the owners of the land are willing to sell. This will be the first urban wildlife refuge. Secretary of Interior Ken Salazar said the refuge is an example of the things the administration wants to do with the President's America's Great Outdoors initiative. The department did not say what the name of the refuge would be.

Fleming: Hill should approve refuges. Speaking of the administrative designation of wildlife refuges, Rep. John Fleming (R-La.) introduced legislation (HR 3009) September 22 that would require Congressional approval of any additions to the National Wildlife Refuge System. Under existing law the Department of Interior may designate refuges after careful study. But Fleming, chairman of the House subcommittee on Fisheries and Wildlife, 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.

NPS board to meet. The National Park System Advisory Board will consider new proposed historical landmarks and natural landmarks when it meets next December 1 and 2 in Key Largo, Fla. The board will also tour sites in Everglades National Park. NPS Director Jonathan B. Jarvis, among other NPS officials, is slated to address the board. For information, *Shirley Sears Smith, Office of Policy, National Park Service, 1201 I St., NW., 12th Floor, Washington, D.C. 20005. Telephone 202-354-3955. E-mail [Shirley S Smith@nps.gov](mailto:Shirley_S_Smith@nps.gov).*

Three lighthouses to transfer. The Interior Department October 4 announced the transfer of three Michigan lighthouses - South Haven South Pierhead, Middle Island and Waugoshance - to local historical organizations. The transfers are being made under the National Historic Lighthouse Preservation Act (NHLPA) of 2000. The law provides a procedure to transfer historic light stations no longer in use by the Coast Guard out of federal hands. The lands are transferred to communities and nonprofits for preservation. The NHLPA program is a partnership among the Coast Guard, the General Services Administration and NPS. Since 2000, more than 60 historic light stations have been transferred at no cost to qualified entities. The South Haven South Pierhead lighthouse will be transferred to the Historical Association of South Haven. The Middle Island Light, a brick tower seventy-one feet in height, will be transferred to Middle Island Lightkeepers Association, Inc. The Waugoshance Lighthouse, located in Lake Michigan, is to be transferred to the Waugoshance Lighthouse Preservation Society.

Conference calendar

OCTOBER

12-14. **Sportfishing Summit** in New Orleans, La. Contact: American Sportfishing Association, 225 Reinekers Lane, Suite 420, Alexandria, VA 22314.

(703) 519-9691. <http://www.asafishing.org>.

13-16. **Land Trust Alliance** rally in Milwaukee. Contact: Land Trust Alliance, 1331 H St., N.W., Suite 400, Washington, DC 20005-4711. (202) 638-4725. <http://www.lta.org>.

19-22. **The National Trust for Historic Preservation** annual conference in Buffalo, N.Y. Contact: National Trust for Historic Preservation, 1785 Massachusetts Ave., N.W., Washington, DC 20036. (202) 588-6100. <http://www.nationaltrust.org>.

NOVEMBER

1-4. **National Recreation and Park Association** congress and exposition in Atlanta. Contact: National Recreation and Park Association, 22377 Belmont Ridge Road, Ashburn, VA 20148. (703) 858-2158. <http://www.nrpa.org>.

2-4. **National Forest Recreation Association** annual conference in Scottsdale, Ariz. Contact: National Forest Recreation Association, P.O. Box 488, Woodlake, CA 93286. (559) 564-2365. <http://www.nfra.org>.

8-12. **National League of Cities** annual Congress of Cities in Phoenix. Contact: National League of Cities, Conference and Seminar Management, 1301 Pennsylvania Avenue, N.W., Washington, DC 20004. (202) 626-3105. <http://www.nlc.org>.

19-23. **Council of State Governments** state trends forum in Bellevue, Wash. Contact: Council of State Governments, P.O. Box 11910, Lexington, KY 40578. (859) 244-8103. www.csg.org.

DECEMBER

5-8. **America Outdoors** marketing and management conference in Reno, Nev. Contact: <http://www.americaoutdoors.org/>.

7-8. **Western Governors' Association** winter meeting in Palm Springs, Calif. Contact: Western Governors' Association, 1515 Cleveland Place, Suite 200, Denver, CO 80202-5114. (303) 623-9378. <http://www.westgov.org>.