

# Federal Parks & Recreation

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## Senate nears finish on DoI money bill; parks faulted

The Senate was closing in at press time on completion of a fiscal year 2010 Interior and related agencies appropriations bill (HR 2996.)

After a week of work the Senate still had before it a series of amendments that attacked various park and rec programs.

Senate appropriators hope to move to a conference with the House quickly. If all goes smoothly (it seldom does) the appropriators intend to complete the bill before fiscal 2010 begins October 1.

But House Majority Leader Steny Hoyer (D-Md.) said this week the House is preparing a temporary spending bill to extend existing appropriations laws beyond October 1 to give Congress time to finish new fiscal 2010 bills.

In addition to the Interior bill appropriators are closing in on completion of an Energy and Water appropriations bill, a Transportation appropriations bill and an Agriculture appropriations bill before fiscal 2010 begins. The House and Senate have each approved each of the bills, so those measures are all ready for conference.

The Senate at press time still had before it a series of amendments affecting park and rec programs offered by the most conservative of Republican senators. Some of those amendments will probably not make it to the floor because they have no chance. At any rate here are some of those possible amendments.

Sen. Tom Coburn (R-Okla.) prepared an amendment that would bar federal land acquisition with money from the Land and

Water Conservation Fund (LWCF.) Instead Coburn would divert the money to reduce the maintenance backlog of individual agencies.

Coburn also prepared an amendment that would allow any private landowner to remove his or her land from a National Heritage Area (NHA.) Coburn and western Republicans in general have objected to possible intrusion on private property rights by NHAs. House western Republicans invariably propose floor amendments with the "opt out" provision. NHA supporters say the opt-out amendment would kill any NHA bill.

Coburn prepared another amendment that would bar the use of any money in HR 2996 to delay in any way the licensing and development of renewal energy projects on public lands.

Finally, Sen. David Vitter (R-La.) prepared an amendment that would prohibit the establishment of any regional climate change offices in the Department of Interior. Secretary of Interior Ken Salazar September 14 laid out an ambitious climate program that features eight regional Climate Change Response Centers.

Appropriations committee staff members say that the differences between the House and Senate versions of HR 2996 are surmountable in a conference committee.

Complicating the situation is the great priority Congress and the White House are applying to health care and climate control legislation. Senators scarcely have time to work on appropriations bills. However, money bills are must do legislation to keep the government running and the health care and climate bills are, comparatively speaking, optional.

If Congress doesn't pass HR 2996 and other appropriations legislation by the end of the month, it will almost certainly approve a temporary continuing resolution, as Hoyer anticipates. And appropriators believe that even if they don't complete HR 2996 this month, they can wrap it up next month.

However, if the House and Senate disagree about individual appropriations bills late into the fall, a possibility, the remaining measures might be wrapped into one big continuing resolution (CR) that would keep agencies running for the entire fiscal year. Congress still has lots of time to write a CR (or to write individual bills) because the legislative session is sure to run into December because Democratic leaders are determined to pass complex, time-consuming health care and climate initiatives this year.

Subcommittee on Interior appropriations Chairman Barbara Feinstein (D-Calif.) and ranking Republican Sen. Lamar Alexander (R-Tenn.) outlined their objectives in Senate floor debate on the bill.

Among Feinstein's top priorities, she said, were full funding for operations of federal land management agencies, increased allocations for LWCF, and sufficient funds to fight fires without borrowing from agency management money.

Feinstein's statement on management of the Park Service was a little misleading. She talked of fully funding NPS but in fact HR 2996 contains no money for a Park Service Centennial Challenge program, a partnership between the Park Service and park advocates. Still, she said, "For too long we have neglected these agencies and forced program cuts on them by underfunding the fixed costs they incur every year. In this bill, fixed costs are fully funded."

Alexander did note that the bill contains an increase in operations spending for the Park Service that can serve to prepare the parks for the Centennial. "We have continued the Centennial Initiative started under President Bush by adding over \$130 million to increase park operations in preparation for the national park centennial in 2016," he said.

Feinstein was also a little misleading when she patted herself on the back for increasing LWCF spending, be-

cause her bill would allocate \$99 million of the \$419 million in LWCF money to non-LWCF purposes, such as Endangered Species Act grants and Forest Service Forest Legacy grants.

As for fire fighting the Senate committee would provide \$2.587 billion for the Forest Service and \$979.6 million for the Interior Department. That includes a contingency fund to fight major wildland fires of \$282 million for the Forest Service and \$50 for the Interior Department.

Said Feinstein, "So for the first time in more than 10 years, we will be providing Federal firefighters the resources they need well before they run out of money."

Despite the Senate's progress on HR 2996, the pressure is on the appropriators. No one likes a yearlong continuing resolution because it doesn't provide specific direction to federal agencies. Here are recaps of four major outdoor spending bills:

\* INTERIOR AND RELATED AGENCIES: HR 2996. The House approved its version of HR 2996 June 26. The Senate Appropriations Committee passed its version June 25.

While the Senate Appropriations Committee and the full House are not far apart on the numbers in the Interior bill, there are some differences.

Most prominently the Senate committee would provide no money for the Park Service Centennial Challenge partnership program, in contrast to \$25 million approved by the House committee and \$25 million requested by the Obama administration.

In other differences between the two bodies the Senate committee would authorize elk hunting in Theodore Roosevelt National Park in North Dakota, and the House would not. The Senate committee would extend a ban on competitive sourcing by the Forest Service, and the House would not.

Money-wise, the Senate committee

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

\* AGRICULTURE: HR 2997, S 1406. The House approved its version of HR 2997 July 9 and the Senate approved S 1406 August 4. Both the House and Senate rejected some - but not all - spending reductions proposed by the Obama administration for conservation programs.

The Obama administration recommended a total of \$600 million in reductions from spending levels included in a new farm law for these conservation programs: Agricultural Management Assistance Program, Environmental Quality Incentives Program, Farmland Protection Program, Healthy Forest Reserve Program, Wetlands Reserve Program and Wildlife Habitat Incentives Program.

The House restored about all the conservation money except it cut the Environmental Quality Incentive Program by \$270 million. The Senate reduced it by \$250 million.

\* ENERGY AND WATER: HR 3183, S 1436. The House approved its bill July 16 and the Senate approved its bill July 29. For the Corps of Engineers the House bill roughly meets a fiscal 2009 spending level of \$5.4 billion, with \$5.5 billion. The Senate approved \$5.4 billion. However, both the House and the Senate would increase spending for the key operations and maintenance line item by \$300 million and \$248 million respectively.

As for an Everglades restoration program, the Senate rejected an Obama administration request for \$47 million for two initial major construction projects that are key parts of the multi-billion dollar Comprehensive Everglades Restoration Project. The projects are known as Site One and Indian River Lagoon-South.

In total for the Everglades in the Energy and Water bill the Obama adminis-

tration requested \$214.4 million. The Senate approved \$163.4 million and the House approved \$210.2 million.

\* TRANSPORTATION: HR 3288. The House approved its bill July 23 with a survival appropriation of \$41.1 million for highway programs. The Senate approved its version of HR 3288 September 17 with \$42.5 billion for highway programs.

However, the Highway Trust Fund, which pays for highway programs, is billions of dollars short and the measure does not resolve the shortage. Subcommittee on Transportation Appropriations Chairman Rep. John Olver (D-Mass.) said the subcommittee was not responsible for making up a huge deficit in the Highway Trust Fund.

## **Rahall energy bill guarantees LWCF; is Salazar waffling?**

The House Natural Resources Committee is giving top priority to a comprehensive energy bill that would guarantee \$900 million each year to the Land and Water Conservation Fund (LWCF.)

However, at a milestone hearing on the bill September 16 long-time LWCF advocate Ken Salazar began to qualify his previous support for guaranteed assistance. Salazar, the Obama's point man on LWCF funding, sang the old song that many administrations have sung over the decades - when budget deficits are high land acquisition must get the axe.

"On the one side you have the reality that we are dealing with very difficult times relative to the deficit, which we have inherited in part by this administration," he said. "And so that enters into the equation about how exactly we move forward with LWCF."

Salazar did repeat his oft-quoted statement that the country made a deal during the Kennedy administration: It would authorize offshore oil and gas drilling in exchange for the use of royalties for conservation purposes.

The energy bill (HR 3534), introduced by House committee chairman Nick

Joe Rahall (D-W.Va.), would rewrite most onshore and offshore public lands energy policy. Rahall intends to move quickly on the bill. His committee held two hearings last week and, we hear, may move to mark-up as soon as next week.

It is understood that Salazar discussed his testimony on HR 3534 with the Office of Management and Budget (OMB) the day before it was delivered to the Rahall committee and that OMB made clear that the momentum to fully fund LWCF must be braked.

Thus, Salazar told the committee in a coded message, "I am hopeful we will get to the point where it is fully funded. I am very interested in working with you, working with members of your committee and working with the Office of Management and Budget and others to try to get to the point where we are making the kind of investments in the great outdoors (that are needed.)"

The LWCF provision in HR 3534, Title V, offers a simple guarantee. It says, "Of the moneys covered into the fund, \$900,000,000 shall be available each fiscal year for expenditure for the purposes of this Act *without further appropriation.*" Emphasis added.

Congress established the LWCF program in the Land and Water Conservation Fund Act of 1964. The law authorized up to \$900 million per year for the program, but subject to annual appropriations. Up to half the money is to go to federal land acquisition and half to state grants. Only once has Congress fully funded the program, in 1977. Meanwhile, the unspent reserve in the fund has grown to \$17 billion, Salazar said last week.

The Rahall recommendation dovetails with a July 6 recommendation of an Outdoor Resources Review Group (ORRG) for a \$5 billion per year conservation fund.

The ORRG recommended among other things immediate "full" funding for LWCF of \$3.2 billion. Although the program is authorized at \$900 million, the commission report says inflation should increase the annual payout to \$3.2 bil-

lion. The ORRG also called for the study of a broader, \$5 billion per year fund to replace LWCF beginning in 2015, presumably by Congress, the White House and any new commission/conference.

Some LWCF advocates don't say so publicly but they are less than enthused about the Obama administration's fiscal year 2010 budget request because it would spend barely half of the \$420 million for LWCF on LWCF, just \$229 million. The other \$191 million would be used for Endangered Species Act grants and Forest Service Forest Legacy grants.

A huge coalition of state and local park interests, teamed with conservation groups, praised Rahall for his initiative to restore LWCF. "The visionary LWCF program has had a profound impact on the creation of parks and recreational facilities throughout the country. Without even knowing it, Americans have visited one of the thousands of local or state LWCF-funded parks," said Carol Ash, commissioner of the New York State Office of Parks, Recreation and Historic Preservation. "But even with the heroic efforts of some key players in Congress, funding for LWCF has been in a downward spiral over the past few years. It's time to reverse the trend."

While Rahall is swinging for a home run for LWCF, friendly senators are working on less ambitious, but perhaps more practical schemes. For instance, Sen. Lamar Alexander (R-Tenn.) September 16 urged his Senate colleagues to follow up a 2006 law that allocates oil and gas royalties to bulk up LWCF.

"I hope we can build on the legislation, too, that Congress enacted in 2007 when we expanded exploration for natural gas and oil in the Gulf of Mexico and for the first time created what I like to call a conservation royalty that contributes one-eighth of the revenues that are collected from that drilling (to the state side of LWCF,)" he said during consideration of a fiscal 2010 Interior money bill.

Salazar too has frequently cited that Gulf of Mexico Energy Security Act

of 2006 as an example of legislation that uses oil and gas royalties to bulk up LWCF. The law directs the Minerals Management Service to distribute to the state side of LWCF 12.5 percent of royalties from oil and gas lease sales from the 181 Area and the 181 South Area of the Gulf of Mexico. In fiscal 2008 state LWCF revenues from the sales amounted to \$8.3 million.

In a similar initiative Sens. Lisa Murkowski (R-Alaska) and Mary Landrieu (D-La.) introduced legislation (S 1517) July 24 that would set aside 12.5 percent of royalties from new offshore oil and gas development for state recreation grants. But there is great resistance in Congress to the authorization of new offshore drilling areas.

## **SAFETEA extensions begin to move in House and Senate**

The House and Senate are beginning to close in on an extension of an existing surface transportation bill, rather than writing a new multi-year law this month.

The House September 23 approved a three-month extension of the existing law, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), or until the end of December. That would allow time to write a new law.

The vote was 335-to-85 on the bill (HR 3617) introduced by House Transportation Committee Chairman James Oberstar (D-Minn.) But the American Association of State Highway Transportation Officials complained the bill does not address a looming \$8.7 billion rescission in past allocations from SAFETEA-LU.

Separately, the House subcommittee on Highways and Transits June 24 approved a new six-year, \$500 billion surface transportation bill that is appropriately named the Surface Transportation Authorization Act of 2009. Oberstar will try to push that (unnumbered) bill through the House while the three-month SAFETEA-LU extension is in place, if Congress approves HR 3617.

Senate Democratic leaders - backed by the White House and senior Republicans - say three months is not long enough. Senate leaders intend to consider soon legislation to extend SAFETEA-LU for 18 months through March 2011 at current spending levels.

In that the Highway Trust Fund is running short of money, the Senate bill would reportedly transfer \$19.8 billion from general revenues to pay for SAFETEA-LU. The theory is the 18-month extension would give Congress even more time to write a new surface transportation law.

The multi-year House subcommittee bill is generally supportive of park and rec programs. The Surface Transportation Authorization Act of 2009, as it is formally called, would extend for six years such outdoor programs as transportation enhancements (still at 10 percent of total allocations for the Surface Transportation program), recreational trails, scenic byways, federal and Indian land roads, and Safe Routes to School. All the programs except enhancements would receive individual allocations of unspecified amounts.

In addition the subcommittee bill contains a new concept that could boost outdoor programs - "livability." It is backed by both President Obama and Oberstar. The bill would create a new Office of Livability that would oversee transportation enhancements, recreational trails, scenic byways, Safe Routes to School and a new U.S. bicycle route system.

The bike route program would in turn provide grants to states and Indian tribes (80 percent federal money) to establish a national system. The money would be used for construction (at least half of all expenditures), planning, mapping, signage and promotions.

## **Senate rejects Coburn attacks on TE park and rec projects**

The Senate September 16 rebuffed the latest attacks on the use of Highway Trust Fund money for park and rec pro-

grams, but those attacks are almost certain to persist.

For now the Senate did defeat by a substantial 39-to-59 vote an amendment from Sens. John McCain (R-Ariz.) and Tom Coburn (R-Okla.) that would have allowed states to opt out of a transportation enhancements (TE) program.

McCain and Coburn withdrew at the last moment an even tougher amendment that would have barred the use of Highway Trust Fund money on any park and rec project funded by the TE program. Both amendments were aimed at a fiscal year 2010 Transportation appropriations bill (HR 3288.)

Meanwhile, the House and Senate are beginning to close in on an extension of an existing surface transportation bill, rather than writing a new multi-year law this month. The House is moving toward a three-month extension of the existing law, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), until the end of December. That would allow time to write a new law. *(See following article.)*

In their attack on the parks Coburn and McCain argue that Highway Trust Fund money should be used for construction and repair of highways and bridges, not for ephemerals such as trails. Coburn based his arguments on safety, saying trust fund money should be spent on securing the existing transportation infrastructure.

Coburn said his "opt out" of enhancements amendment was relatively benign and would allow states to focus on more serious transportation problems. "There is no force in this amendment other than to allow the states the freedom to do what is best for their citizens rather than saying 10 percent of the money they get back has to be spent on things that are not going to save lives, are not going to enhance safety, but, in fact, are going to enhance aesthetics," said Coburn.

But Senate Environment and Public Works Committee Chairman Barbara Boxer

(D-Calif.) countered that park and rec projects do a lot of good, such as provide jobs (400,000 since 1972), ensure safety (200 preventable deaths) and, yes, provide aesthetics.

"If I could say it, because I know my friend doesn't think it should be a priority to beautify our highways, freeways and roads, I point out that the taxpayers of this country care about their communities, care about how their highways and freeways and their roads look," Boxer said on the Senate floor.

The McCain and Coburn attacks on park and rec programs follow a long line of Republican criticism of using gasoline tax money for trails, parks and the like. In February Sen. James DeMint (R-S.C.) prepared an amendment to an economic stimulus bill (PL 111-5 of February 17) that would have barred the spending of stimulus money "for bicycle, walking, or wilderness trails or off-road vehicle routes." DeMint eventually pulled the amendment.

In July McCain and Coburn opened fire on all recreation projects. They were perturbed by a Government Accountability Office (GAO) analysis that said \$78 billion of Highway Trust money in the last five years has been used for purposes other than construction of roads and bridges.

In a joint press release McCain and Coburn said, "More than \$2 billion has been obligated for 5,547 bike paths and pedestrian walkways, including \$878,000 for a pedestrian and bicycle bridge for a Minnesota town of 847."

Last week Coburn again criticized park and rec programs when he talked of the amendment he withdrew that would have flat out banned the use of enhancements money for fiscal 2010. "(T)his is a much stronger amendment than my earlier amendment that says, until the highway trust fund becomes solvent, until we quit stealing money from our kids and our grandkids and actually pay as we go, pay for what we are wanting to do, at least that 10 percent of the money is going to get spent on real roads, real bridges, and real highways,

not on enhancements," he said.

He allegedly withdrew his outright ban amendment because the milder "opt out" of enhancements amendment garnered only 39 votes. Said the Rails-to-Trails Conservancy in a bulletin to its members, "Lacking support, Senator Coburn ended up pulling his amendment that would have prohibited any TE spending financed by the Highway Trust Fund."

The conservancy was pleased about the Senate defeat of the Coburn amendment, particularly because program supporters had only 24 hours to rouse opposition to it. But the conservancy said more tough days are ahead: "While it is tempting to relax in the wake of such a victory, the follow-up to such a vote can be even more important. By thanking those who defended TE, we strengthen their resolve to do so again. By engaging those who attack TE, we can—with enough voices—convince them to appreciate the broad support for the program and re-think their priorities."

## **Calif. park closures may cost more money than they save**

An internal California State Parks memo suggests that the proposed closure of more than 100 state parks could cost more than a \$14 million reduction in state spending.

The 11-page memo, prepared by the legal counsel for state parks, says that by closing the parks the state may:

- \* be liable for any injury in a closed park,
- \* be sued by concessioners for breach of contract,
- \* be sued by the National Park Service for repayment of Land and Water Conservation Fund grants,
- \* be forced to prepare costly environmental analyses prior to closing parks, and
- \* be required to obtain a California Coastal Commission permit to ban citizens from the coast.

"Closing parks may be far more expensive than keeping them open and operating," said Karen Schambach, Cali-

fornia coordinator of the environmental group Public Employees for Environmental Responsibility (PEER). "Paradoxically, in order to avoid losses of life and property, California will need to spend its supposed savings to keep families out of beaches, parks and recreation areas."

In the face of a mammoth budget deficit California Gov. Arnold Schwarzenegger (R) July 18 signed legislation that cuts the state parks budget for this fiscal year by \$14.2 million. California State Parks is now trying to determine which parks to close this year.

The parks department believes it must close 100 or more units to comply with the budget. It is now analyzing its appropriations, possible fee increases and contributions from outside partners to determine which units to close. A final decision is expected by the end of the month.

California is not the only state park system that has been whipsawed by the economic recession. The Georgia legislature has stripped the Georgia State Parks and Historic Sites agency of 39 percent of its budget in this fiscal year alone, and reportedly intends to trim another eight percent off the bone.

The California memo was prepared by the state parks department legal staff for state parks director Ruth Coleman. It was leaked to PEER. The state parks legal department reportedly asked PEER to remove the report from its website, but PEER refused. The PEER website is at <http://www.peer.org>. If and when the state closes the 100 or so parks the report forecasts these impacts:

**INJURY LIABILITY:** The report says: "Potential liability exists as long as people are using the parks. In order to avoid potential liability for dangerous conditions on its property, State Parks would have to completely exclude the public from park property. Even if a park is officially closed, State Parks could incur liability if the public uses the park."

**CONCESSIONER LAWSUITS:** The report says: "The more complicated question is whether State Parks would be in breach of contract if State Parks continues to provide the premises to the concessionaire but closes the related park unit resulting in the curtailment of concessionaire's business."

**NATIONAL PARK SERVICE LAWSUITS:** The report says: "Closing parks will be a breach of contract making State Parks liable for damages. NPS may enforce the provisions of the contract by demanding damages (repayment of LWCF monies) or an injunction for specific performance of the contract." The Park Service has warned California it could face financial penalties if it closed parks established with LWCF money.

**COSTLY ENVIRONMENTAL ANALYSES:** The report says: "It may be argued that State Parks' determination regarding which parks close, partially close, are operated on a reduced service level, or stay open is a discretionary decision requiring various choices. This discretionary decision may trigger CEQA analysis."

**COASTAL COMMISSION PERMITS:** The report says: "The California Coastal Commission has zealously guarded public access to the Coast, and required consistency between State Parks General Plans and the (California Coastal Act) and the Local Coastal Plans adopted by local governments."

## Salazar reaffirms intent to boost NPS visitation efforts

Secretary of Interior Ken Salazar last week reassured commercial interests dependent upon the national parks that he would make visitation to the parks a top priority.

At a forum with gateway and tribal communities September 15 Salazar said he was committed to working with commercial partners of the parks to boost visitation. Gateway communities have complained for a decade about a decline in visitation to the national parks.

Lyle Laverty, head of the National Association of Gateway Communities, said Salazar described for the group an increase in park visitation. And, Laverty said, "Tom Strickland even used the term marketing. I get a good sense that they want to get people out to experience a wonderful resource."

Strickland wears two hats as Salazar's chief of staff and as assistant secretary of Interior for Fish and Wildlife and Parks. Coincidentally, Laverty served as the last assistant secretary for Fish and Wildlife and Parks in the Bush administration.

In a related development the American Recreation Coalition, which represents the recreation industry and recreation users, and the Park Service have agreed to conduct a new survey of parks and park partners to identify techniques that work best to increase visitation.

The American Recreation Coalition planned to send questionnaires this week to gateway communities, concessioners, nonprofits and businesses dependent on the national parks to solicit descriptions of successful projects. The Park Service is expected to send a similar questionnaire to the national parks.

Said Mike Sciulla, senior fellow at the coalition, "We're talking about a fairly substantial outreach effort here." Many readers may remember Sciulla from his 28 years at BoatUS, many of them as chief spokesman for the 500,000 boaters represented by BoatUS.

While visitation to national parks has increased somewhat this year for the first time in a decade, recreation visits have also jumped on other federal lands, in state parks and in local parks. *(See following article on state and local visitation.)*

The increase in visitation at all levels is, of course, being driven by the economy. Even with substantial entrance fees people reportedly view visits to national parks, national forests and state and local facilities as a bargain, particularly when compared to

the cost of flying and/or driving to and staying at resorts.

The gateways and tribal community forum, held in Washington, D.C., featured both Salazar and Secretary of Transportation Ray LaHood.

Derrick Crandall, counselor to the National Park Hospitality Association, said Salazar appeared to be committed to increased visitation. "I don't mind being quoted," he said. "I'm very, very impressed with Salazar's passion and ability to overcome communications problems that led to so much debate about the direction visitation was going and whether it mattered. He made it clear that there were a lot fewer visitors than 20 years ago and that's not a good thing. He said he was going to do something about it with partners to the parks."

The coalition's questionnaire is straightforward. It asks the parks and park partners to describe projects that have helped connect people to parks and the results of those projects.

An explanatory sheet distributed to partners says, "Our survey will result in a collection of dozens of case studies made available to you, NPS officials and others. Key examples of successful marketing of park outreach and marketing efforts will be showcased at Partners Outdoors 2010, scheduled for January 10-13 in Golden Gate National Recreation Area, . . . "

Backers of the initiative hold out the name of Gina McCarthy as the paragon of visitation virtue. As Connecticut Department of Environmental Protection Commissioner from 2004 to this year McCarthy headed up a "No Child Left Inside" campaign that doubled visitation to Connecticut's 137 state parks and forests in three years.

McCarthy is now EPA's assistant administrator for the Office of Air and Radiation. She attended the gateway and tribal forum where she reportedly said she wanted powered recreation interests to regard EPA as something more than a regulator of their machines. That is,

she said she wanted to work with them to reduce air pollution voluntarily.

## State and local parks show major increases in visits

State and local park and recreation visitation has jumped significantly this year, as citizens are apparently staying close to home in tough economic times.

"I talked to a half-dozen states last week and every single one said day use visitation was up, and in some cases significantly," said Rich Dolesh, public policy director for the National Recreation Park Association. "Even in the face of increased fees camping visits were up."

Dolesh reported the same result for city park departments. "The big cities and the urban corridors are telling us that visitation is through the roof," he said. "There is no way for a precise, organized count because many of those systems are open to visits from all directions, he said.

Most of the focus this year, as always, has been on the National Park System and its up-tick in visitation. (See previous article.)

But state and local parks are showing greater increases as the world and national economies have sunk into a deep recession. As Phillip McKnelly, executive director of the National Association of State Park Directors, said, "It's speculation and mostly anecdotal, but I'm here in Raleigh (North Carolina) and it's a lot easier to drive 30 minutes to a state park than to drive to the Great Smokies or the Outer Banks."

McKnelly said an informal poll of state park directors at their annual conference September 8-11 in Stone Mountain, Ga., showed increases in visitation in all state park systems this year except two - New Jersey and Pennsylvania. He said New Jersey suspects it may have missed some numbers and is recomputing.

For other states the increases

have at times been dramatic. For instance Louisiana has had a 16.5 percent increase and Indiana 13 percent. By the numbers Iowa has jumped from 5.5 million visitors at this time in 2008 to 6.1 million this year. And Kansas has jumped from 4 million in 2008 to 5.7 million in 2009.

The Outdoor Foundation last week confirmed the trend toward increases in outdoor recreation nationally. The foundation said a major poll it conducted this year demonstrated a huge jump in recreation that is locally based.

"Activities like backpacking, mountain biking and trail running showed double-digit increases in participation, and hiking and camping showed nine percent and seven percent increases, respectively," said the foundation in a *2009 Outdoor Recreation Participation Report*. The report is available at: <http://www.outdoorfoundation.org/>

The downside, according to The Outdoor Foundation, is that youth participation in recreation continues to slide. "Participation in outdoor recreation among youth ages 6 to 17 dropped by six percent - resulting in a combined 16.7 percent drop over the last three years," said the report. "Participation fell most precipitously among the youngest age group measured, ages 6 to 12, which decreased nine percent."

The Outdoor Foundation conducted its poll via 40,000 on-line surveys of Americans from the age of six up. The survey assessed 114 activities. The foundation said the survey is the largest of its kind evaluating outdoor activities.

## Senate climate bill is now expected to move next month

Sens. Barbara Boxer (D-Calif.) and John Kerry (D-Mass.) now anticipate introduction of a lead Senate climate control bill the week of October 5, a good month later than past projections. Mark-up in the Senate Environment and Public Works (EPW) Committee Boxer chairs could begin the following week.

Because of those late dates it is increasingly unlikely Congress will complete a bill this year, postponing completion into 2010. There is even talk of a drop-dead date of April 2010 for bill passage because legislators will be consumed with election campaigns after that.

It is not clear if Boxer and Kerry will include in their bill a provision in a House-passed bill (HR 2454) that would establish a huge Natural Resources Climate Change Adaptation Fund with billions of dollars for conservation programs.

As we have reported, conservation groups and labor unions have asked Senate leaders to not only include such a fund in a Senate bill but also to beef it up. The House provision would make allocations subject to appropriations, a chancy proposition.

The conservationists and labor unions ask that Congress guarantee the money - an average of \$2.6 billion per year - and not require annual appropriation actions.

The House approved HR 3454 June 26 by a close 219-to-212 vote. However, the Senate requires a proportionately larger percentage of votes, at least 60, to move a bill. So Boxer and Kerry have been negotiating ever since with their colleagues on both the left and right.

In a related development the House Natural Resources Committee is rushing to approve a public lands energy bill (HR 3534) that may, in a long shot, be added to the climate bill down the road. The energy bill contains a provision that would guarantee \$900 million to the Land and Water Conservation Fund each year without further appropriation. (See related article page 4.)

The Senate situation is reportedly complicated by competition between Boxer and Senate Finance Chairman Max Baucus (D-Mont.) for control over the legislation. Because any climate control program would be powered by taxes on carbon producers Baucus and his committee at some point must be consulted.

Senate Democrats blame the delay in Senate action on the distraction caused by writing health care legislation, hip surgery on Kerry and Sen. Edward Kennedy's (D-Mass.) death. Republicans scoff.

Ranking EPW Republican James Inhofe (Okla.) said disagreements among Democrats are the real causes for the delay. "The delay is emblematic of the division and disarray in the Democratic Party over cap-and-trade and health care legislation - both of which are big government schemes for which the public has expressed overwhelming opposition," he said.

He added, "As to just who will win this intra-party squabble, I put money down on those representing the vast majority of the American people, who are clear that cap-and-trade should be rationed out of existence."

HR 2454 would produce an estimated \$845 billion in revenues for the government over the next decade. Some of that money would establish the Natural Resources Climate Change Adaptation Fund.

The National Wildlife Federation estimates the fund would receive an average of \$2.6 billion per year from fees paid by companies that produce carbon pollution. However, the House would subject to annual appropriations all allocations to federal programs from the fund.

Federal allocations, if appropriators felt like putting up the money, would be allocated thusly: 27.6 percent to the Department of the Interior for endangered species, bird, and Fish and Wildlife Service programs, wildlife refuges, and the Bureau of Reclamation; 8.1 percent to Interior for cooperative grant programs; and 4.9 percent to Interior for tribal programs.

In addition the fund would allocate 19.5 percent to the Land and Water Conservation Fund; 5 percent to the Forest Service; 12.2 percent to EPA; 8.1 percent to the Army Corps of Engineers; and 11.5 percent to National Oceans and Atmospheric Administration.

## Notes

### **Court halts Yellowstone bear plan.**

A federal judge September 21 threw out a Fish and Wildlife Service (FWS) decision to remove the Yellowstone area grizzly bear population from the threatened species list of the Endangered Species Act (ESA.) Judge Donald W. Molloy of the U.S. District Court in Montana said a FWS conservation strategy does not demonstrate that the Yellowstone grizzly would be allowed to recover. Molloy said the only standard in the strategy calls for "maintaining above 500 bears and associated mortality limits for grizzly bears." He concluded, "Without tangible requirements specifying how the population will be maintained at 500 bears and how the mortality limits will be enforced, there is nothing in this portion of the Conservation Strategy that actually serves as a regulatory mechanism to maintain the grizzly bear population." The Obama administration's FWS now must decide if it will redo its conservation strategy and try again to remove the Yellowstone grizzly from the protection of ESA or leave the grizzly as a threatened species under the ESA. The lawsuit was brought by the Greater Yellowstone Coalition, Inc. and Molloy's decision is cited as *Greater Yellowstone Coalition, Inc., v. Christopher Servheen, U.S. Fish and Wildlife Service Grizzly Bear Recovery Coordinator, CV 07-134-M-DWM of September 21*. Of interest one of the defendants in the case is also a conservation group, the National Wildlife Federation.

### **Land sought for Florida panther.**

The Center for Biological Diversity September 17 jumped into the long legal battle over protection of the Florida panther with a demand that the government protect 3 million acres of south Florida land. The panther was first put on the endangered species list in 1967 and the Fish and Wildlife Service in 2008 set aside critical habitat for the panther. The Conservancy of Southwest Florida has led the legal wars to protect the panther. Now the Center for Biological Diversity, headquartered in Arizona, has joined the battle. The center's petition identifies for protec-

tion (1) a "primary zone" where panthers live now, (2) a "secondary zone" where panthers sometimes roam, and (3) a "dispersal zone" or corridor that panthers sometimes use to reach habitat.

**Peace Park review asked.** Secretary of Interior Ken Salazar said September 22 that the United States and Canada have asked international experts to visit a Waterton-Glacier International Peace Park in Montana and Alberta, Canada. The World Heritage Center in August asked the United States and Canada to conduct a study of the threats coal mining and oil and gas development pose to the peace park. The United Nation's Educational, Scientific and Cultural Organizations recommended the review. The committee is considering whether to place the park on its list of World Heritage Sites in danger. Conservative Republicans have long opposed the involvement of the World Heritage Committee in the protection of American sites. However, Montana Sens. Max Baucus (D) and Jon Tester (D) joined Salazar in announcing the involvement of the World Heritage Center. The International Peace Park incorporates Glacier National Park in Montana and Waterton Lakes National Park in Alberta.

### **House approves Ariz. NHA bill.**

After another battle over private property rights in National Heritage Areas (NHAs), the House September 23 approved legislation (HR 324) to designate a new Santa Cruz Valley NHA in Arizona. The House approved the bill by a 281-to-142 margin after first rejecting it September 8. The bill was brought up each time under a Suspension of the Rules procedure that required a two-thirds vote to pass. The first time the bill fell short when it received 249 votes; that was not enough for a two-thirds margin. On the floor September 23 ranking House Natural Resources Committee Republican (Wash.) objected to the bill's impact on private property: "It would allow a basis for ambitious federal land managers to claim that now they have a mandate and millions of Federal dollars to interfere with local decisions affecting the private property of others." But committee chairman Nick

Joe Rahall (D-W.Va.) said, "I also rise, as I have said, and as I have done time and time and time again, to point out that the claim that national heritage areas harm the rights of private property owners is utterly false. F-A-L-S-E. Utterly false." The bill would designate a 3,300 square-mile NHA on the border between Arizona and Mexico. Rep. Raúl Grijalva (D-Ariz.) sponsored the bill.

#### **Salazar orders up climate program.**

Secretary of Interior Ken Salazar September 14 laid out an ambitious program to monitor climate change on the public lands. And to respond to changes in the environment. The centerpiece will be three new management layers, beginning with a Climate Change Response Council led by Salazar and Department of Interior leaders; eight regional Climate Change Response Centers; and a network of Landscape Conservation Cooperatives manned by feds, state and local officials and the public at large. The department already has in place a separate program charged with accelerating the development of renewable energy on public lands. However, the renewable energy production program may run into some tough sledding because leading Senate Appropriations Subcommittee on Interior members from both parties have repeatedly cautioned about the huge environmental impacts of wind and solar projects. To wit, ranking subcommittee Republican Lamar Alexander (Tenn.) will on October 5 discuss at a think-tank luncheon "how the current push for renewable energy could consume greater expanses of land and pose a threat to some of America's iconic landscapes and habitats, a challenge that is not yet widely understood," according to the think-tank Resources for the Future. The secretarial order is at <http://www.doi.gov/climatechange>.

#### **DOI begins new strategic plan.**

The Obama Administration Interior Department said September 11 it will develop its own strategic plan. The Clinton administration and Bush administration published strategic plans in 1997, 2000, 2003 and 2006. In the 2003 and 2006 plans the Bush administration merged agency goals into department-wide

goals. The September 11 *Federal Register* notice said secretary of Interior Ken Salazar is placing priority on the writing of a new plan. While it didn't attribute any specific goals to Salazar the notice did mention these priorities: "(1) achieving greater energy independence and promoting the development of clean alternative energy sources, (2) protecting treasured landscapes, (3) addressing the issue of global climate change, (4) meeting our commitments to Native Americans and Alaska Natives, (5) addressing critical water issues, (6) creating opportunities for youth in the outdoors, and (7) insuring the integrity of science in support of Interior's decision making." Comment by November 10 to: *U.S. Department of the Interior, Office of the Secretary - Planning and Performance Management, Attention: DOI Strategic Planning Coordinator, 1849 C St., N.W., Mail Stop 5258, Washington, D.C. 20240-0001* or by E-mail to [StratPlancomments@ios.doi.gov](mailto:StratPlancomments@ios.doi.gov).

#### **GOP launches resources website.**

House Natural Resource Committee Republicans September 10 announced they have created a new website, <http://republicans.resourcescommittee.house.gov/>. Among other things the website includes information about a House Republican energy initiative (HR 2846) sponsored by House Minority Leader John Boehner (R-Ohio) June 12 and more than 100 of his allies. In fact much of the website focuses on energy issues, and not so much on broader natural resource issues. Rep. Doc Hastings (R-Wash.) is ranking Republican on the committee.

#### **Tidwell names his successor.**

Forest Service Chief Tom Tidwell last week named service external affairs officer Leslie Weldon to succeed him as the regional forester for the Northern Region of the Forest Service. She will oversee 15 national forests in Montana, Idaho and North Dakota. Although she has worked in Washington, D.C. these last few years Weldon does have field experience, including as forest supervisor of the Deschutes National Forest from 2000 to 2007. The Forest Service said Weldon would take over in Region 1 "this fall."

## Boxscore of Legislation

<u>LEGISLATION</u>	<u>STATUS</u>	<u>COMMENT</u>
<b>Appropriations fiscal 2010 (Interior)</b> HR 2996 (Dicks)	House approved June 26. On Senate floor at press time.	Would provide broad increases for park and rec programs.
<b>Appropriations fiscal 2010 (Energy and water)</b> HR 3183 (Visclosky) S 1436 (Dorgan)	House approved July 16. Senate approved July 29.	Would roughly maintain FY 2009 levels. Senate omits Everglades projects.
<b>Appropriations fiscal 2010 (Agriculture)</b> HR 2997 (DeLauro)	House approved July 9. Senate approved August 4.	Would restore some conservation money, but would leave EQIP short.
<b>Appropriations fiscal 2010 (Transportation)</b> HR 3288 (Olver)	House approved July 232. Senate approved September 17.	Would not make up Highway Trust Fund shortfall.
<b>Appropriations fiscal 2009 emergency</b> HR 2346 (Obey) June 24 as PL 111-32.	President Obama signed into law for emergency fire assistance.	Will provide FS and DoI with \$250 million
<b>Congressional Budget 2010</b> H Con Res 85 (Spratt) S Con Res 13 (Conrad)	House approved April 2. Senate approved April 2.	Would allow for increased natural resources spending.
<b>Appropriations Stimulus</b> HR 1 (Obey)	President Obama signed into law Feb. 17 as PL 111-5.	Allocates some \$4 billion to federal land management agencies to help revive the economy.
<b>Appropriations 2009 (DoI, FS, Corps, Transportation, etc.)</b> HR 1105 (Obey)	President Obama signed into law March 11 as PL 111-8.	Provides modest increases for most park and rec programs.
<b>LWCF revival</b> HR 3534 (Rahall)	House hearings in September.	Public lands energy bill would guarantee \$900M per year.
<b>Omnibus Lands Bill</b> S 22 (Bingaman) HR 146 (Holt)	President signed into law March 30 as PL 111-11.	Includes 160+ individual bills, including NLCS, new national parks.
<b>National Landscape Conservation System</b> HR 404 (Grijalva) S 22 (previous item)	Grijalva introduced Jan. 9. Included in omnibus (above.)	Gives NLCS official designation by Congress.
<b>Grand Canyon withdrawal</b> HR 644 (Grijalva)	House subcommittee hearing July 21.	Would withdraw 1 million acres of federal land near Grand Canyon NP to prevent uranium mining.
<b>Surface Transportation</b> HR 1329 (Blumenauer) S 575 (Carper) S 1036 (Rockefeller) Unnumbered (Oberstar)	Blumenauer introduced March 5. Carper introduced March 11. Rockefeller introduced May 12 House subcommittee approved Oberstar bill June 24.	Blumenauer would establish a piece of a surface transportation law with climate change money. Rockefeller would establish broad goals for law. Oberstar would extend outdoor programs for six years.
<b>FLREA (rec fee law) repeal</b> S 868 (Baucus)	Baucus introduced April 22.	Would repeal the comprehensive federal rec fee law.
<b>Fire suppression</b> HR 1404 (Rahall) S 561 (Bingaman)	House approved March 24. Senate committee hearing July 21.	Would establish an emergency fire-fighting fund to limit borrowing from line programs.
<b>Ski area uses</b> S 607 (M. Udall)	Udall introduced March 17.	Would specify that ski resorts on national forest land may allow non-skiing recreation uses.