

Federal Parks & Recreation

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Big Republican election sweep will mean new House bosses

House Republicans who are likely candidates for important outdoor chairmanships next year are, right now, naturally hesitant to assert their ambitions for those posts.

But Rep. Mike Simpson (R-Idaho), for one, sounds like he is willing to assume the chairmanship of the House subcommittee on Interior appropriations. He is currently ranking Republican on the subcommittee.

"If I have the opportunity to chair the Interior Appropriations Subcommittee, I will continue to look for ways to ensure that we can manage our nation's public lands as efficiently as possible," Simpson told us in a statement.

He warned of lean budgets ahead. "In recent years, Congress has spent far too much money, and getting our budget back into the black will require us to make difficult decisions that will impact all agencies," said Simpson.

Ranking House Natural Resources Committee Republican Doc Hastings (R-Wash.) said November 3 he "is seeking" to become committee chairman. He promised to cut spending and to provide access to public lands. As a priority he cited "ensuring that public lands are actually open to the public."

The speculation about who will chair which subcommittees and committees is of course generated by the big Republican House sweep in the November 2 elections. By one count the Republicans will have close to a 60-vote margin in the House next year. The Democrats managed to retain control of the Senate, albeit barely.

Speculation also is rampant about

what a Republican House will mean policy-wise. There is in fact a consensus that a Republican House can only go so far, with a Democratic Senate and a veto pen in the hand of President Obama.

The House may affect policy more through adversarial hearings and investigations than new legislation. As Hastings promised, "the Committee will provide much needed oversight of the Obama Administration's policies that have largely gone unchecked for nearly two years." Hastings said administration plans, or alleged plans, to designate national monuments will come under particularly close scrutiny.

Environmentalists are feeling a chill. Said David Alberswerth, who handles public lands policy for The Wilderness Society, "There has been a history in the Clinton administration, when the GOP took over the House, that Republicans launched politically-motivated hearings. They may be tempted to do that again."

Even so, Alberswerth said environmentalists will try to find ways to cooperate with Republicans on protective legislation. "We're convinced we can work with Democrats and Republican on public lands bills," he said. "We have in the past. . . Our hope is we can find opportunities for protective lands bills."

Luke Popovich, vice president of external communications for the National Mining Association, said a Republican majority in the House may have to be cautious about reining in environmental regulations because of possible backlash. "When the Bush administration came in it rolled back environmental protections, as justified as they were, and was criticized," he said. "The new Congress will need to be sensitive to the charge they are cutting back on environmental protections."

The House is not the only place on Capitol Hill where the election brought about change. The 23-member Senate Energy Committee will get a major do-over, even under Democratic control with Sen. Jeff Bingaman (D-N.M.) continuing as chairman.

That's because on the Democratic side Sens. Byron Dorgan (D-N.D.) and Birch Bayh (D-Ind.) did not for run reelection and Sen. Blanche Lincoln (D-Ark.) was defeated. On the Republican side the party rejected the bids for reelection of Sens. Lisa Murkowski (R-Alaska) and Bob Bennett (R-Utah), although Murkowski may have been reelected as a write-in candidate in Alaska. Finally, Sen. Jim Bunning (R-Ky.) did not run for reelection.

Here is a recap of the House and Senate committee situation:

HOUSE INTERIOR: Rep. Nick Joe Rahall (D-W.Va.) currently chairs the subcommittee and Hastings is the ranking Republican. At the next level Rep. Raúl Grijalva (D-Ariz.) chairs the subcommittee on National Parks, Forests and Public Lands, and will presumably switch places with Rep. Rob Bishop (R-Utah), the ranking Republican.

Hastings and Bishop are polar opposites of Rahall and Grijalva on most outdoor policies, with Hastings and Bishop favoring motorized uses and Rahall favoring greater protection.

HOUSE APPROPRIATIONS: Rep. Jim Moran (D-Va.), an easterner, just took over earlier this year as Interior subcommittee chairman and has written only one spending bill, a fiscal year 2011 measure that his panel approved July 22. The measure has not moved since. Simpson and Moran cooperated closely on the development of the bill.

Said Simpson, "As Ranking Member, I've had a good relationship with the subcommittee chairmen, and as we look for ways to help agencies do more with less funding, I will - as I have always done - work with subcommittee members on both sides of the aisle to craft the best bill we can within reasonable budget constraints."

SENATE ENERGY: Bingaman is expected to continue as chairman. It is not clear who will become the ranking Republican but Sen. John Barrasso (R-Idaho) is a likely candidate. Complicating things the current ranking Republican, Murkowski, ran as an independent

and apparently defeated the Republican candidate, Joe Miller. It remains to be seen (1) if she joins up with Senate Republicans and (2) if Senate Republicans provide her with any power.

Sen. Mark Udall (D-Colo.) is expected to continue as chairman of the Senate subcommittee on National Parks with Sen. Richard Burr (R-N.C.) as ranking Republican. Sen. Ron Wyden (D-Ore.) chairs the subcommittee on Public Lands and Forests and Barrasso serves as ranking Republican.

SENATE APPROPRIATIONS: Sen. Dianne Feinstein (D-Calif.) is expected to continue as chair of the Interior and related agencies subcommittee with Sen. Lamar Alexander (R-Tenn.) as the ranking Republican.

California voters reject state parks rescue fund

California voters November 2 resoundingly rejected a ballot measure designed to bail out both the troubled state park system and state wildlife refuges. The vote was 58 percent against to 42 percent for, or 3,984,478 against and only 2,903,416 for.

Proposition 21 called for an \$18 fee on 28 million registered vehicles in the state. It would have applied the \$500 million per year collected from the fee to state agencies via a trust fund.

Supporters of the coalition that sponsored the resolution said it not only would have kept state parks open but would also have attacked a \$1 billion maintenance backlog in the parks. Budget problems have threatened to close many California state parks for the last three years.

Said the proponents, "California's state parks receive more than 80 million visits from residents and tourists every year, supporting tens of thousands of jobs and generating billions in business and tax revenues from nearby communities and our state. By keeping parks open, Prop. 21 preserves very important jobs and revenues."

Backing the proposition were the California Travel Industry, local chambers of commerce, the California State Parks Foundation, teachers and conservationists.

Opposing the initiative was a coalition of anti-tax groups and conservatives. They asked in a joint statement, "While state parks are a wonderful resource, is this really the time to pay more for parks while schools, universities and road conservation are ignored."

Their position paper adds, "Prop. 21 offers no solutions or reforms. It only offers a higher car tax with no guarantee that state park funding will actually increase."

Complicating the job for proponents Gov. Arnold Schwarzenegger (R) came to power seven years ago by declaring war on state vehicle registration fees.

According to Proposition 21 the money from the car registration fee would have been allocated to a trust fund to be used "solely to operate, maintain and repair state parks and to protect wildlife and natural resources."

Of the \$500 million collected annually, 85 percent, or \$425 million, would have been allocated to the California Department of Parks and Recreation. Of that \$425 million, about \$20 million would have been used to manage and restore urban river parkways.

The \$75 million not going to state parks would have been allocated as follows: seven percent, or approximately \$35 million per year, to manage and operate wildlife refuges; four percent, or \$20 million, to the Ocean Protection Council for marine protection; two percent, or \$10 million per year, to state conservancies; and two percent, or \$10 million per year, for a Wildlife Conservation Board. One percent would be allocated to administration.

The revenue would have replaced the \$130 million the state government now appropriates for state parks out of general revenues. So state parks in

California will continue to be dependent on annual appropriations from the legislature, at a time when the state is all but broke.

The revenues from the fees would also have eliminated entrance fees to park units for the 28 million vehicles that pay the vehicle registration fee. Out-of-state visitors who wished to visit one of California's fabled state beaches would still have had to pay fees of up to \$15 for admission.

Proponents said Proposition 21 would have saved the state \$200 million in revenues (counting both appropriations and fees) that are now used to operate the park system. And they say Proposition 21 would have provided "at least" \$250 million more for deferred maintenance and new parking.

California's budget problems first threatened the park system in 2008, when 48 parks were proposed for closure, only to be rescued by last-minute compromises. In 2009 the state proposed to close 220 of the state's 278 parks until, again, a last-minute budget compromise saved the day. This year the state had proposed to close or reduce hours in 60 parks.

The nationwide state budget problems and their impact on state parks are drawing national attention. The National Trust for Historic Preservation last month put state parks at the top of its annual 11 most endangered historic places list. The trust included all state parks in the designation. All the other 10 endangered places were specific sites.

Feds, including Park Service, struggle in first AGO draft

Although advocates of the National Park System are asking the Obama administration for help for the parks in an upcoming report on America's Great Outdoors, that may not happen.

By all indications an initial 35-page draft report prepared by adminis-

tration officials last month didn't mention the words the National Park Service. Top NPS officials were reportedly "incredulous" and "rattled" by the administration's apparent lack of interest in promoting the National Park System as it approaches its Centennial in 2016.

A second draft is reportedly not much more favorable to the parks than the first draft. A third draft is reportedly in preparation.

The Park Service would not comment on the pending recommendations. "We don't comment on draft reports," said NPS spokesman Dave Barna. "We're working hard on our input and trying to get our issues in the report."

Will Shafroth, deputy assistant secretary of Interior for Fish and Wildlife and Parks, didn't return our calls. He is the political point man on AGO issues in the Interior Department.

President Obama kicked off the America's Great Outdoors initiative at a White House conference April 16 and ordered his cabinet heads to go out into America and report back to him by November 15 on content.

Obama laid out four goals for the initiative report, to be fashioned under the lead of Council on Environmental Quality Chair Nancy Sutley. He suggested four substantive strategies: (1) build on efforts outside the beltway, (2) help property owners protect property, (3) help get young people outdoors and (4) build "a new generation of community and urban parks."

The AGO game plan called for six task forces of federal officials, including one on recreation, to write drafts of recommendations. Final recommendations are supposed to be delivered to the White House by the Council on Environmental Quality by November 15.

Several factors may be contributing to the alleged low-balling of the Park Service and other federal land management agencies, beginning with money, according to several sources.

Said one outdoors insider who has been tracking the writing of the AGO report, "It's hard to carry out a federal lands agenda when you are cutting back on spending. I think the report will call for full funding of the Land and Water Conservation Fund (LWCF) but the administration will want to tap into LWCF for many other things." Indeed the Bush administration established the precedent by using LWCF for endangered species protection and other purposes.

The big budget cuts may also mean that the appropriations gravy train that has provided the Park Service and other federal land management agencies with more money the last two years has left the station. And it may be a long time before another one comes down the track. Federal land managers are looking at appropriations at least two percent smaller in the out-years.

Second, more than likely an ongoing controversy over an alleged administration plot to designate more than a dozen national monuments on federal lands without consulting with Congress has scared the administration away from an emphasis on federal land protections. In that controversy House Natural Resources Committee Republicans obtained an internal Interior Department memo earlier this year that identified 14 possible new national monuments on Bureau of Land Management land alone.

Third, there is also an implication that the Park Service is being de-emphasized because the Department of Agriculture is in charge of writing the recreation component of the AGO report.

Also reportedly at risk in the recreation report of AGO is a proposal to guarantee the state side of LWCF with at least 40 percent of the total annual appropriation. Assuming that LWCF received full funding of \$900 million, that would amount to \$360 million per year.

Despite the down-playing of NPS in the draft AGO reports, the AGO website indicates it has received more comments on increased funding for the national parks than any other issue, presumably

supportive, followed by protection of wildlife corridors in national parks.

In addition the National Parks Conservation Association (NPCA) published a report of its own recently that identifies the recreation benefits the national parks play in the country. The advocacy group assembled its recommendations based on the input offered to AGO in a couple dozen listening sessions around the country.

The undated report, *National Parks Belong at the Heart of America's Great Outdoors*, says the parks play six essential recreation roles in the country: (1) provide an opportunity for healthy exercise, (2) anchor large landscapes, (3) stimulate the economy, (4) provide more recreational opportunities, if the system were expanded, (5) help communities manage recreational facilities and (6) provide classrooms to educate Americans about the outdoors.

The NPCA report is available at the association's website, <http://www.npca.org>.

Not every program and every entity is being downplayed in the AGO draft reports. The recreation draft supposedly will emphasize outdoor activities on private lands and will call for a more active role for nonprofit groups on all lands.

NPS CENTENNIAL: In a related development involving the Park Service as it approaches its Centennial in 2016, we have obtained a summary of discussions held last week between NPS officials and members of institutions interested in promoting the national parks. The working group - the Park Service Foundation, NPCA, and concessioners - reportedly agreed with NPS leaders that for the immediate future the Park Service and allied institutions should concentrate on the base.

"There was unanimous agreement that although we do want to reach out to those not now benefiting from parks, an immediate goal should be to activate our base, luring them back for more visits and helping them be mentors and ambassa-

dors to expand park visitation," said the summary.

The working group also recommended that the institutions should set specific goals for the parks. "The campaign needs key metrics - measurable goals," said the summary. "And we found unity among our group around ideas that we should dramatically increase the percentage of Americans having park experiences annually - and around the idea that every American child needs to spend a full day or spend a night in a national park by age 12."

The institutions plan to stay in touch by phone and meet in January.

Half-dozen parks are among omnibus lands bill candidates

The Park Service announced October 22 the official designation of the 393rd unit of the National Park System - the River Raisin National Battlefield Park in Monroe, Mich.

The designation raised hopes in the breasts of park supporters that River Raisin will not be the last park approved by Congress this year. The House and Senate are toying with the idea of assembling more than 100 individual lands bills in an omnibus bill during the lame-duck session of Congress beginning November 15.

The River Raisin National Battlefield Park was itself included in the last huge omnibus bill (PL 111-11 of March 30, 2009.)

NPS supporters have their eye on a half-dozen bills to designate new national park units that could be wrapped into a new omnibus lands bill. And perhaps twice that number in expansion bills. To get on board the train a specific bill must have been at least passed by now by either the Senate Energy Committee or the House Natural Resources Committee.

"I could see some kind of omnibus, perhaps as part of some larger legislative package," said Ron Tipton, senior

vice president of programs for the National Parks Conservation Association (NPCA.) "I could even see some very low cost bills with bipartisan support moving on their own."

NPCA has assembled a list of 15 new park bills and expansion bills that have begun to move in either the House or Senate and are therefore candidates for an omnibus bill.

Tipton argues, "We have had so little expansion of the National Parks System the last 10 years. Hardly any lands have been added to the system."

The River Raisin site in Michigan commemorates the River Raisin battle of the War of 1812 when British troops allied with Native Americans routed the American forces. Much of the upper Midwest and Canada were put at risk as a result of the battle until American troops rallied nine months later.

Among the possible candidates for an omnibus bill:

GETTYSBURG EXPANSION: S 3159, HR 4395. House approved March 19. Senate hearing held May 19. Of the many expansion bills this Gettysburg measure is particularly noteworthy. It 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. Sens. Arlen Specter (D) and Robert B. Casey (D) and Rep. Todd Russell Platts (R-Pa.) introduced the legislation.

REVOLUTIONARY WAR AND WAR OF 1812: HR 1694, S 1168. The House approved this bill on April 21, 2009, that would authorize up to \$10 million per year to acquire more Revolutionary War battlefields and up to \$10 million per year to acquire more War of 1812 battlefields. The Senate Energy Committee approved the bill on March 2. Sen. Charles Schumer (D-N.Y.) and Rep. Rush Holt (D-N.J.) are the lead sponsors.

FIRST STATE NATIONAL HISTORICAL PARK: HR 3893, S 1801. Senate Energy Committee hearing May 19. Sens. Thomas Carper (D-Del.) and Edward Kaufman (D-

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

VALLES CALDERA: S 3542. The Senate Energy Committee approved this legislation from committee chairman Jeff Bingaman (D-N.M.) August 5. It would transfer the Valles Caldera Preserve in New Mexico from the Forest Service to the Park Service. The Congressional Budget Office reported September 10 the legislation would cost \$16 million over the next five years, but said the transfer would not violate Congress's "pay-as-you-go" rules because the extra money would presumably be taken out of existing appropriations. Congress designated the preserve on 88,900 acres of Santa Fe National Forest land in 2000.

WACO MAMMOTH NATIONAL MONUMENT: HR 1376, S 625. The House approved this bill July 27, 2009, that would include in the National Park System a site that includes remains of mammoths in Waco, Texas. The Senate Energy Committee held a hearing July 15, 2009. Sen. John Cornyn (R-Texas) introduced S 625 and Rep. Chet Edwards (R-Texas) introduced HR 1376.

LONGFELLOW HOUSE-WASHINGTON'S HEADQUARTERS NATIONAL HISTORIC SITE: HR 6203, S 1405. The Senate approved this bill introduced by the late Sen. Edward Kennedy on May 7. The House has not acted on its bill introduced by Rep. Michael Capuano (D-Mass.) The bill would designate the Longfellow House in Cambridge, Mass., as a national historic site.

COLTSVILLE NATIONAL HISTORICAL PARK: HR 5131, S 3291. The House September 22 refused to approve this bill under a suspension of the rules procedure that requires a two-thirds major-

ity, so it is in trouble. It could still come up again under regular procedures that require a simple majority. Rep. John Larson (D-Conn.) introduced the House bill that would honor the legacies of Colt Firearms and the Colt Family. Sen. Chris Dodd (D-Conn.) introduced the Senate bill which was given a hearing September 29 by the Senate Energy Committee.

Roads-related outdoor policy to get new Hill supervisors

Unless the Democratic Congress unexpectedly passes a multi-year highway bill in an upcoming lame-duck session, a whole new cast of Republican House members will be in charge of the legislation next year.

More than likely the big Republican House sweep in the November 2 elections will put Rep. John Mica (R-Fla.) in the chairman's seat in the House Transportation Committee. That will likely shift the focus in the next highway bill to basic road construction, and away from trail construction in transportation enhancements and livability programs.

"The biggest liability is transportation enhancements," said one lobbyist who knows Mica well. "Under Mica you may see a delegation of authority to states to spend that money as they wish, as on roads and mass transit. Mica is connected to the traditional guys."

An aide to Mica said that while his boss has traditionally supported transportation enhancements, he also has supported flexibility for states. "In the past Mr. Mica has supported enhancement projects, and allowing states the flexibility to use a percentage of their highway funding on transportation enhancement-type projects if they choose to," said the staff member.

If Mica takes over the House Transportation Committee, it is not clear who would become ranking Democrat. The current chairman, James Oberstar (D-Minn.), was defeated in the November 2 election.

Next in line for the chairmanship of the House subcommittee on Highways and Transit is John J. Duncan (R-Tenn.) He would take over from current chairman Peter DeFazio (D-Ore.)

In the Senate, where Democrats still hold a majority, the chair of the Senate Environment and Public Works Committee, Barbara Boxer (D-Calif.), will presumably retain that position, save for a major Senate reorganization.

This past summer Boxer said her plan for a multi-year surface transportation bill would be based on a bill the House subcommittee on Highways and Transit approved June 24, 2009. That measure would spend \$500 billion on highways and mass transit with a marked emphasis on outdoor programs.

The subcommittee bill would extend for six years such outdoor programs as transportation enhancements, recreational trails, scenic byways, federal and Indian land roads, and Safe Routes to School.

Although Mica promised austerity, he did say he would work for a new roads bill. "Among my top legislative priorities will be passing a long-term federal highways and transit reauthorization, a long-overdue Federal Aviation Administration reauthorization, a new water resources measure, and a long-term Coast Guard reauthorization," he said.

At stake in particular next year will be a livability program much loved by the Obama administration that combines housing, road construction, trails and land use planning to make communities more livable.

The Department of Housing and Urban Development kicked off the livability campaign October 14 by awarding almost \$100 million in grants. HUD said that one kind of grants will be allocated for regional planning where such planning does not now exist. A second category of grants will help implement existing programs.

The Obama administration has recently prodded Congress in the lame-duck session to move a new surface transpor-

tation bill with a strong livability concept. On September 6 the President boosted his proposal for an up-front \$50 billion infusion into transportation programs immediately, as a down payment on a \$500 billion bill.

Obama boosted the livability concept by saying the \$50 billion would be used for "investments in areas like safety, environmental sustainability, economic competitiveness, and livability - helping to build communities where people have choices about how to travel, including options that reduce oil consumption, lower greenhouse gas emissions, and expand access to job opportunities and housing that's affordable."

Obama would reportedly pay the \$50 billion from taxes on the oil and gas industry. Longer-term, neither the administration nor Congress has identified the source of money needed to pay for a six-year, \$500 billion surface transportation law.

Under orders, NPS gives Point Reyes oyster farm a chance

Following Congressional direction, the Park Service October 22 posted notice that it has begun the process of reviewing an application for renewal of an oyster farm in Point Reyes National Seashore.

The Park Service has in the past opposed extension of the permit because it said the farm does not conform to uses allowed in potential wilderness, although the farm has been in operation since 1934.

But Sen. Dianne Feinstein (D-Calif.), the influential chair of the appropriations subcommittee that provides NPS with money, supports the farm. She 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 money subcommittee boss.

As Feinstein wrote in an op-ed for the *Marin Independent Journal* last year, "Given all of the circumstances, I see no reason why the Drakes Bay Oyster Company should be put out of business at this time. Extending the lease of this historic oyster farm for another 10 years is the right thing to do."

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.

The Point Reyes National Seashore published in the fall of 2006 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."

The academy's National Research Council said that "in several instances the agency selectively presented, over-interpreted, or misrepresented the available scientific information on potential impacts of the oyster mariculture operation. Consequently, *Drakes Estero: A Sheltered Wilderness Estuary* did not present a rigorous and balanced synthesis of the mariculture impacts. Overall, the report gave an interpretation of the science that exaggerated the negative and overlooked potentially beneficial effects of the oyster culture operation."

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.

Postscript. In February long-time Point Reyes Superintendent Don Neubacher became superintendent of Yosemite National Park.

TIGER stimulus grants are awarded; East Bay Park wins

The Department of Transportation (DoT) last month awarded \$600 million in economic stimulus transportation grants for 75 projects, many with substantial outdoor recreation implications.

Among the so-called TIGER grants was a \$10.2 million award to the East Bay Regional Park District in northern California to fill gaps in a nearly 200-mile bike and pedestrian network.

Another grant of \$16 million was awarded to downtown New Haven, Conn., that would provide better downtown traffic circulation, including bicycle and pedestrian enhancements. A third grant of \$15 million will help Philadelphia upgrade its Dilworth Plaza, including the addition of open space.

The TIGER grants, as in Transportation Investment Generating Economic Recovery, began in the Obama administration's economic stimulus law (PL 111-5 of Feb. 17, 2009.) The TIGER grants focus on major infrastructure projects that can produce jobs.

Under the economic stimulus law in 2009 the Department of Transportation (DoT) awarded 51 TIGER I grants worth \$1.5 billion. DoT said it had received 1,500 applications for \$60 billion worth of projects. All grants were awarded competitively.

Because of the program's popularity Congress approved a second phase of Tiger II grants for \$600 million in a fiscal year 2010 Department of Transportation appropriations bill (PL 111-117 of Dec. 16, 2009.) That produced a request for 1,000 grants totaling \$19 billion. Again, all grants were awarded competitively.

The East Bay Regional Park District had to work for its money. It

submitted an application to DoT in August that identified seven projects in the East Bay region where closures were needed in the regional trail system. Segments are to be built in Albany, Berkeley, Dublin, Dumbarton, Oakland, Pleasanton and Union City.

Park District General Manager Pat O'Brien said, "The Park District began developing this integrated network of paved trails in the 1970s, and we've seen the use of these trails just explode with the population growth over the past several decades for both commuting and recreational purposes. With this grant, we will be able to expedite closing critical gaps in the Green Transportation network, providing a real boon to those who live and work in the East Bay."

The total cost of the East Bay project is estimated at \$43.3 million, so the TIGER grant will pay for about one-quarter of it.

The park district said the proposal met an important "livability" selection criteria. It does that by providing a commuter alternative to the 265,000 people who live within one mile of the project.

A detailed description of the East Bay projects is available at <http://www.ebparcs.org/ebgti>. A press release announcing the TIGER II grants is at: <http://www.dot.gov/affairs/2010/dot18810.html>.

USDA backs Idaho roadless rule by opposing enviro suit

The Obama administration's filing last month in a lawsuit contesting a roadless rule for national forests in the State of Idaho demonstrates an administration at odds with its environmentalist allies.

In response to the environmentalists' main contention in the lawsuit - that the Forest Service failed to prepare adequate environmental documentation - the administration struck back.

The administration refuted a complaint that the Idaho rule would allow excessive road construction incidental to timber harvest projects. The Justice Department argued that the rule would only allow 1.3 miles of new road, compared to one mile under a 2001 Clinton era roadless rule.

Said the administration, "Plaintiffs claim these projections significantly under-predict harvest and road construction within the Backcountry Restoration and General Forest, Rangeland, Grassland themes. In both cases, Plaintiffs err."

Similarly for phosphate mining, the administration said the Forest Service need not perform a detailed evaluation of a proposed project up-front.

"An agency is not required, in a programmatic EIS, to formulate and adopt a specific mitigation plan," said the administration. "The EIS for the Idaho Rule explains that any future phosphate mining operations will be subject to the extensive best management practices and mitigation measures to control selenium and mitigate impacts on water, soils, vegetation, wildlife and fisheries."

The administration only indirectly mentioned recreation, perhaps because the lawsuit focuses on 400,000 acres of land that have little direct impact on recreation.

However, the plaintiffs are less than pleased that the Idaho rule allows road construction on large tracts of roadless national forest, 1.78 million acres by the environmentalists' telling.

In the core of their lawsuit The Wilderness Society, the Greater Yellowstone Coalition and other groups complain that the Idaho rule exposes to development 400,000 acres of roadless forest. The Idaho rule, published on Oct. 16, 2008, applies to 9.3 million acres on 10 national forests. The plaintiffs said the EIS backing the rule failed to comply with the National Environmental Policy Act and the Endangered Species Act, among other laws.

But the environmentalists' great ally, Secretary of Agriculture Tom Vilsack, himself October 15 endorsed the Idaho rule.

Just before the federal court heard arguments from environmentalists who oppose the Idaho rule, Vilsack went the other way. "In short, this Administration supports the Idaho roadless rule because it provides protections for roadless areas that are in keeping with the President's strong commitment to roadless conservation," he said.

The judge, B. Lynn Winmill in U.S. District Court in Idaho, reportedly did not indicate how he was leaning at the hearing. He was quoted by the *Idaho Statesman* as saying, "I'm not going to tip my hand."

In a statement Vilsack said that despite the criticism from the two environmental groups, nominally allies of the Obama administration, the rule "has support from many diverse interests, including the State of Idaho, Kootenai Tribes of Idaho, the Idaho Association of Counties, Idaho Conservation League and Trout Unlimited, who have joined the lawsuit as interveners in its defense."

The conservationists who support the rule, including the Idaho Conservation League, argue that the protections the rule provides outweigh the possible damage to the 400,000 acres.

President Clinton established a nationwide rule in 2001 that barred most new road construction in 58 million acres of roadless national forests. The Bush administration then modified the rule to allow states to apply for customized rules. Idaho was the only state that succeeded in obtaining a rule, although the State of Colorado did apply.

The Obama administration has not forged a new roadless area rule because it is waiting for federal courts to resolve competing rulings on the legality of the Clinton rule. The legal situation is up in the air because on June 16, 2009, U.S. District Court Judge Clarence Brimmer in Wyoming held the

Clinton rule illegal, but the Ninth U.S. Circuit Court of Appeals had earlier held the rule legal.

The ball right now is in the hands of the Tenth U.S. Circuit Court of Appeals, which is reviewing Brimmer's decision.

Vilsack did say that, despite its arguments in the Idaho rule lawsuit, the Clinton rule "has this Administration's strong support."

BLM rapidly knocking out solar projects in Southwest

The Bureau of Land Management (BLM) signed off on six major solar power rights-of-way (ROWs) in the Southwest last month, the most recent for a Blythe Solar Power Project in Riverside County, Calif. It would produce up to 1,000 megawatts of power.

Five of the six are located in southern California near the California Desert where Sen. Dianne Feinstein (D-Calif.) and environmentalists have been resisting some solar development. But Feinstein and most environmentalists have accepted the six new projects.

The six projects would produce up to 2,800 megawatts of renewable energy, or enough to power up to 2 million homes, BLM Director Bob Abbey said.

Secretary of Interior Ken Salazar, who approved the 30-year Blythe ROW, said, "The Blythe Solar Power Project is a major milestone in our nation's renewable energy economy and shows that the United States intends to compete and lead in the technologies of the future."

The larger Obama administration renewable energy program still has a way to go. And many obstacles lie ahead. BLM has before it more than 120 applications for solar ROWs on public lands.

More specifically, BLM is rushing to approve eight more projects before the end of the year so that sponsors may obtain billions of dollars in economic stimulus money. The Blythe project for

instance is in line for \$1.9 billion in loan guarantees from the Department of Energy. The eight projects are among the 121 ROWs that companies applied for before July 2009.

The approved projects in Southern California are for an Imperial Valley Solar Project, a Chevron Lucerne Valley Solar Project, an Ivanpah Solar Electric Generating System, a Calico Solar Project and a Blythe Solar Power project. In Nevada BLM has also approved a ROW for a Silver State North project.

BLM is processing now ROW applications received before July 2009 on an ad hoc basis. All applications received after that date must wait until BLM completes a programmatic EIS on solar policy. A draft EIS is due out by the end of the year.

Obtaining a permit is but the first step. The new ROW permittees are all testing different technologies. They also must gain approval of separate ROWs for electrical transmission lines to urban and suburban areas.

Complicating things Sen. Feinstein introduced legislation (S 2921) in December that would put more than one million acres of the 11-million acres of public lands in the California Desert off limits to solar power development.

Feinstein, chair of the Senate subcommittee on Interior appropriations, is by definition in position to move her legislation as part of a fiscal 2011 Interior and related agencies appropriations bill later this year.

Here is a brief recap of the six approved projects:

IMPERIAL VALLEY: The ROW approval, officially announced October 13 in the *Federal Register*, provides access to 6,360 acres of public land in Imperial County east of San Diego County. The proposed plant would produce up to 709 megawatts of power from solar dishes. The project may be producing electricity by the end of next year, 2011.

CHEVRON LUCERNE: The ROW approval, officially announced October 13, provides access to 422 acres of public land in San Bernardino County. The proposed photovoltaic solar plant in the Southern California Desert would produce up to 45 megawatts of electricity. The project may reach production by the end of next year, 2011.

IVANPAH: The ROW approval, officially announced October 14, provides access to 3,471 acres of public land in San Bernardino County in the Mojave Desert. The proposed "power tower" would produce up to 370 megawatts of energy. Final construction is anticipated by the end of 2012.

SILVER STATE NORTH: The ROW approval, officially announced October 19, provides access to 618 acres in Clark County, Nev. The proposed photovoltaic panel technology would produce up to 50 megawatts of renewable energy. No time line was detailed for final construction.

CALICO: The ROW approval, officially announced October 26, provides access to 8,320 acres in San Bernardino County, Calif. The proposed solar receiver heat exchanger process would produce up to 850 megawatts of renewable energy. Final construction is anticipated in early 2014.

BLYTHE: The ROW approval, officially announced October 28, will provide access to 7,025 acres of public lands in Riverside County, Calif. The proposed project would use parabolic trough technology to produce up to 1,000 megawatts of energy. Final construction is anticipated within six years.

Notes

Monographs may guide rec agencies. The National Recreation and Park Association (NRPA) released five studies last week on cutting edge recreation policies, such as the link between outdoor activity and health. NRPA says the studies will help state and local park and rec agencies establish priorities in difficult economic times. "With the

findings in these papers, park and recreation agencies across our nation now have the research and associated tools to strategically develop programs and services to effectively support their communities," said NRPA CEO Barbara Tulipane. The papers, prepared by experts from leading universities, include:

1. *The Benefits of Physical Activity Provided by Park and Recreation Services*, by Geoffrey Godbey and Andrew Mowen;
2. *The Rationale for Recreation Services for Youth: An Evidence Based Approach*, by Peter Witt and Linda Caldwell;
3. *Parks and Other Green Environments: Essential Components of a Healthy Human Habitat*, by Frances E. (Ming) Kuo;
4. *Air Quality Effects of Urban Trees and Parks*, by David J. Nowak and Gordon M. Heisler; and
5. *Measuring the Economic Impact of Park and Recreation Services*, by John Crompton.

At an event announcing the reports Crompton, a distinguished professor of Recreation, Park and Tourism Sciences at Texas A&M University, said, "We have long known intuitively the many contributions of parks and recreation agencies, but these monographs give us a clearer view of the specific benefits they deliver." The five monographs are available at: <http://www.nrpa.org/2010monographs>.

FWS begins bat plan. Faced with an epidemic of dying bats across the East from white-nose syndrome, the Fish and Wildlife Service (FWS) last week proposed a national management plan to develop a strategy to combat the disease. After the management plan is completed FWS says it will write an implementation plan to identify specific actions state and federal agencies should take and the costs. The Forest Service and Bureau of Land Management (BLM) have already closed caves across large swaths of the country. On July 27

Forest Service Deputy Rocky Mountain Regional Forester Tony Dixon announced a temporary public restrictions on access to all caves and abandoned mines on Forest Service lands within the five-state Rockies region. On August 25 BLM said it had delegated authority to its state offices to close caves and abandoned mines where necessary. White-nose syndrome has killed more than one million bats in the Northeast and has spread to 11 states in the last four years, said FWS. The plan is available at <http://www.fws.gov/WhiteNoseSyndrome/>. Comment by December 26 to WhiteNoseBats@fws.gov or by mail to: WNS National Coordinator, New York Field Office, 3817 Luker Road, Cortland, NY 13045-9348.

OHVs praise Superior ruling.

Off-highway vehicle (OHV) users are lauding a federal circuit court decision of last month that upholds a Superior National Forest management plan. Environmentalists, including the Sierra Club, brought the suit in part because they said the plan inadequately analyzed the impacts of activities in the forest on the forest's Boundary Waters Canoe Wilderness Area. But U.S. District Court Judge Patrick J. Schlitz in the District of Minnesota on February 9 upheld the plan and the Eighth U.S. Circuit Court of Appeals affirmed his decision on October 18. Said Paul Turcke, an Idaho attorney who represented OHV groups, including the BlueRibbon Coalition, "Opinions about effective recreation management are as diverse as public lands visitors, and none of us are entitled to substitute our vision for the agency's so long as it appropriately considered public input and rationally interpreted the record before it."

More SNPLMA money allocated. Just in time for the November 2 elections Secretary of Interior Ken Salazar October 21 announced a latest round of allocations from an unusual Nevada lands law. The allocation this time was \$89.8 million that will be used for various conservation programs, including \$34.7 million for Lake Tahoe restoration and \$11.3 million for land acquisition. The program, the Southern Nevada Public Land

management Act (SNPLMA), has allocated more than \$3 billion to key restoration projects throughout Nevada, including more than \$350 million for Lake Tahoe Basin restoration. Congress passed that act in 1998. The money is derived from the sale of public lands around Las Vegas, usually to developers. Senate Majority Leader Harry Reid (D-Nev.) was the lead sponsor of SNPLMA. (Reid survived a tough reelection battle November 2.) The October 21 distributions represent the 11th round of allocations under the program. Under SNPLMA 85 percent of revenues go to conservation projects in the state, 10 percent to the Southern Nevada Water Authority and five percent to a State of Nevada education fund. The Bush administration tried unsuccessfully to divert some of the money to the federal Treasury. The Obama administration has not yet tried to divert the SNPLMA money, but given the tough economic times. . .

Mount Stevens in Alaska official.

President Obama signed into law October 18 legislation (PL 111-284) that designates a 13,895-foot peak in Denali National Park and Preserve as Mount Stevens in the name of the late Sen. Ted Stevens (R-Alaska.) The law also designates a Ted Stevens Icefield in the Chugach National Forest. Stevens's former colleague Sen. Lisa Murkowski (R-Alaska) introduced the bill. Stevens died August 9 in a plane crash. He served in the Senate for more than 40 years, from 1968 until 2009. Rep. Don Young (R-Alaska) introduced a counterpart House bill.

Rocky Arsenal becomes a refuge.

Obama administration officials October 15 marked the end of a 10-year cleanup of the old Rocky Mountain Arsenal in Colorado and the conversion of the site to a national wildlife refuge. The Rocky Mountain Arsenal National Wildlife Refuge contains more than 15,000 acres and sits 10 miles northeast of Denver. The October 15 event coincided with the formal transfer of the last 2,500 acres of the arsenal from the U.S. Army to the Fish and Wildlife Service. The cleanup of the old chemical plant cost \$2.1 billion, making it one of the largest in the country.

Conference calendar

NOVEMBER

30-Dec. 4. **National League of Cities** annual Congress of Cities in Denver. Contact: National League of Cities, Conference and Seminar Management, 1301 Pennsylvania Avenue, N.W., Washington, DC 20004. (202) 626-3105. <http://www.nlc.org>.

DECEMBER

6-9. **America Outdoors** marketing and management conference in Salt Lake City. Contact: <http://www.americaoutdoors.org/>

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

JANUARY

6-9. **Archaeological Institute of America** annual meeting in San Antonio. Contact: Archaeological Institute of America, 656 Beacon St., Boston, MA 02215-2006. (617) 353-9361. <http://www.archaeological.org>.

18-20. **National Ski Areas Association** western conference in Snowbird, Utah. Contact: National Ski Areas Association, 131 South Van Gordon St., Suite 300, Lakewood, CO 80228. (303) 987-1111. <http://www.nsaa.org>.

19-21. **U.S. Conference of Mayors** winter meeting in Washington, D.C. Contact: U.S. Conference of Mayors, 1620 I St., N.W., Fourth Floor, Washington, D.C. 20006. (202) 293-7330. <http://www.usmayors.org>.

20-23. **Outdoor Retailer Winter Market** in Salt Lake City. Contact: Outdoor Retailer, 310 Broadway, Laguna Beach, CA 92651. (949) 376-8155. <http://www.outdoorretailer.com>.

30-Feb. 2. **National Association of Conservation Districts** annual meeting in Nashville, Tenn. Contact: National Association of Conservation Districts, 509 Capitol Court, N.E., Washington, D.C. 20002. (202) 547-6233. <http://www.nacdnet.org>.