

# Federal Parks & Recreation

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## House GOP takes first crack at DoI and FS spending

House Republican appropriators began their long-promised attack on fiscal year 2012 federal spending July 7 by approving major cuts for the Interior Department and Forest Service.

Despite an all-out lobbying campaign by conservationists, the House Appropriations subcommittee on Interior and Related Agencies provided just \$43.9 million for federal acquisition under the Land and Water Conservation Fund (LWCF), compared to \$165 million in fiscal 2011. And it approved just \$2.8 million for the state side of LWCF, compared to \$40 million in fiscal 2011.

Similarly, for state and Indian wildlife conservation grants the subcommittee approved \$22 million, down by \$40 million from the \$62 million in fiscal 2011. The bill goes to full committee Tuesday, July 12.

The subcommittee also approved significant policy changes, such as a ban on the withdrawal of one million acres of public land near Grand Canyon National Park from mining claims. Secretary of Interior Ken Salazar is pursuing such a withdrawal.

Similarly, the panel approved a wetlands provision that would block proposed Obama administration wetlands policy guidance. The bill says no money, whether fiscal 2012 or prior, could be used to redefine navigable waters. That definition guides EPA and the Corps of Engineers in deciding whether a Section 404 wetlands permit is required for projects that affect the nation's waters.

Finally, the subcommittee approved a provision that would force the Forest Service to allow off-highway vehicle use

on "Maintenance Level" roads in national forests in California.

Subcommittee chairman Michael Simpson (R-Idaho) said he attempted to protect the national parks. "Members will be pleased to know that the operations of our national parks are sustained at levels only slightly below last year which means every park unit in the country will be operational and fully staffed without the threat of furloughs or layoffs," he said.

Of LWCF he said he believes the allocation will increase as the subcommittee negotiates with the Senate and the White House. "I suspect that number will go up by the time we complete the process later this year," he said.

The voluble ranking subcommittee Democrat, Jim Moran (Va.), said he was "almost speechless" because of the size of the cuts. "It includes numerous and deep cuts in conservation or environmental protection programs while the extractive or consumptive uses of our public lands are shielded from cuts and given a pass from complying with this nation's landmark environmental laws."

A large coalition of more than 600 mostly conservation groups July 6 tried to head off the slaughter. "The Federal budget cannot and should not be balanced disproportionately on the backs of conservation, outdoor recreation and preservation," the coalition wrote Senate and House leaders. "Doing so will impose on the future generations whose well-being depends on the conservation and preservation of our common natural and historic resources."

The coalition included such diverse groups as The Wilderness Society, the Outdoors Industry Association, labor groups and the Public Lands Foundation, a BLM retiree group.

The outlook for the bill beyond subcommittee is a bit problematic, according to lobbyists *FPR* talked to at the subcommittee mark-up. That's because Democrats will likely object to the bill on the House floor en masse and

some conservative Republicans may oppose it because cuts are too small.

As for the bill Simpson said he attempted to protect as much as possible federal land management agencies. However, the subcommittee approved \$19 million less for Park Service operations, \$2.243 billion compared to \$2.262 billion in fiscal 2011.

The subcommittee roughly maintained spending for the National Forest System by approving \$1.547 billion, \$2 million more than the \$1.545 billion in fiscal 2011.

The subcommittee did not follow up on a fiscal 2011 appropriations law provision that bars the spending of money to designate "wild lands" managed by the Bureau of Land Management. The fiscal 2011 appropriations law (PL 112-10 of April 15) blocks the Interior Department initiative, but Secretary Salazar has pledged not to revive the program in fiscal 2012.

The subcommittee also did not take up an expected amendment from Rep. Denny Rehberg (R-Mont.) that would prevent the administration from designating any national monuments. The Antiquities Act of 1906 gives the President authority to designate national monuments. (*See separate article page 7.*)

The subcommittee was up against it going in. The full committee set a spending cap that was \$2.1 billion less than in fiscal 2011, a decrease to \$27.5 billion from a \$29.6 billion allocation in fiscal 2011. The cap is \$3.8 billion less than the administration's fiscal 2012 request.

In other spending bills the House approved a fiscal 2012 **Department of Agriculture** appropriations bill (HR 2112) June 16 with reductions of \$1 billion in conservation spending. And the \$1 billion comes on top of a \$500 million reduction in fiscal 2011.

The House Appropriations Committee June 15 approved a fiscal 2012 **Energy and Water** appropriations bill (HR 2354) that would block a proposed new Obama administration wetlands permit policy.

That is the same provision that the Interior subcommittee approved July 7. HR 2353 was on the House floor at press time.

Finally, a fiscal 2012

**Transportation** spending bill is not scheduled for subcommittee action until July 14; followed by full committee July 26. However, the committee has already set a spending cap for the bill of \$47.7 billion that is \$7.7 billion less than the fiscal 2011 appropriation of \$55.4 billion.

The Senate has not begun to address any of the four bills yet. Nor has it begun work on a Congressional budget that is supposed to guide appropriations bills.

Here are some of the numbers in the House subcommittee on Interior bill, compared to fiscal 2010:

\* Federal side of LWCF: \$43.9 million, or \$123 million less than the \$165 million appropriation in fiscal 2011. The administration request was \$465 million.

Further federal LWCF breakdown: BLM: \$4.9 million, fiscal 2011 \$22 million; FWS: \$11 million, fiscal 2011 \$55 million; NPS: \$15.5 million, fiscal 2011 \$55 million; and FS: \$12.5 million, fiscal 2011 \$33 million.

\* State side of LWCF: \$2.8 million, or \$37.2 million less than the \$40 million in fiscal 2011. The administration request was \$160 million.

\* State wildlife conservation grants: \$22 million, or \$40 million less than the \$62 million in fiscal 2011. The administration request was \$95 million.

\* Park Service operations: \$2.243 billion, or \$19 million less than the \$2.262 billion in fiscal 2011. The administration request was \$2.297 billion.

\* Park Service construction: \$152 million, or \$58 million less than the \$210 million in fiscal 2011. The administration request was \$152 million.

\* Park Service recreation and preservation: \$49.4 million or almost \$10 million less than the \$59 million in fiscal 2011. The administration request was \$51.6 million.

\* Historic Preservation: \$49.5

million, or \$5 million less than the \$54.5 million in fiscal 2011. The administration request was \$61 million.

\* National Forest System: \$1.547 billion, or \$2 million more than the \$1.545 billion in fiscal 2011.

GRAND CANYON WITHDRAWAL: The subcommittee said that "none of the approximately 1,010,776 acres of public lands and National Forest System lands described in (an emergency withdrawal) . . . may be withdrawn from location and entry under the General Mining Law of 1872," unless Congress approves a withdrawal in a law.

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

WETLANDS DEFINITION: The House Appropriations Committee has already approved in the Energy and Water spending bill a ban on the implementation of proposed Obama administration guidance on a definition of navigable waters subject to wetlands permitting. That definition would help EPA and the Corps of Engineers decide whether a Section 404 wetlands permit is required for projects that affect the nation's waters. Now the Interior bill includes a similar provision.

The Interior spending bill says no money in the bill or any other bill may be used "to develop, adopt, implement, administer, or enforce a change or supplement to the rule dated November 13, 1986, or guidance documents dated January 15, 2003, and December 2, 2008, pertaining to the definition of waters under the jurisdiction of the Federal Water Pollution Control Act."

The proposed Obama administration guidance attempts to interpret a U.S. Supreme Court decision that appeared to limit Section 404 permitting authority to navigable waters. That is the famous *Rapanos* decision.

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

## **NPCA gets on jump on NPS with recommendations for 100<sup>th</sup>**

The National Parks Conservation Association (NPCA) last week posted a laundry list of recommendations for the Obama administration to follow in anticipation of the 100<sup>th</sup> anniversary of the Park Service in five years.

Among other things NPCA called on the President to sign an executive order that would require managers of adjacent federal lands to protect the parks.

"The president should issue an executive order requiring federal agencies to manage their lands and waters cooperatively with surrounding landscapes to conserve and restore natural ecosystems and watershed health," says the report, *The State of America's National Parks*. "The order should direct federal agencies to partner with state, local, and tribal governments, private landholders, nonprofit organizations, and each other to conserve and restore large landscapes identified as ecologically significant by the National Park Service."

NPCA President Tom Kiernan said at a June 28 press conference, "We are asking the President to sign an executive order that would bring the full weight and support of the White House behind the national parks. Now is the time for action."

At press time NPCA said a formal request for an executive order had not yet been submitted to the President.

For its part the Park Service is preparing a five-year plan in preparation for the 100<sup>th</sup> anniversary of the National Parks System in 2016. The Park Service wouldn't share details this week but it

is understood the report will not call for additional spending by Congress, nor will it recommend additional legislation.

The Park Service may, however, call on its partners for help. The partners include NPCA, the National Parks Foundation and the National Parks Hospitality Association. Those groups could make direct financial contributions to the parks and indirect contributions, such as contracting out campground operations.

The Park Service does anticipate a rollout of its five-year plan on August 25, said a spokesman. It's not clear how big a deal the roll-out will be, i.e. whether President Obama will attend and/or whether Sen. Mark Udall (D-Colo.) and Rep. Rob Bishop (R-Utah) will attend. Udall and Bishop chair the Senate and House subcommittee on National Parks, respectively.

Once the NPS report is published NPCA, the parks foundation and the concessioners intend to convene a three-day conference on November 1, 2 and 3.

So the NPCA state of the parks report may well serve as a baseline for all that activity. And that baseline says the state of the parks is not good.

Summing up, NPCA said that 95 percent of park units had lost at least one animal or plant, more than 50 percent of the parks had fair-to-poor air quality (Grand Canyon for one has a "pronounced problem"), one-third had sedimentation problems and 91 percent had cultural resource in fair-to-poor condition.

Said Kiernan of the report, prepared by NPCA's Center for Park Research, "This is a call for action. The parks are in jeopardy. There are a whole host of reasons including pollution from outside the park, energy development surrounding the parks, land development surrounding the parks, and a legacy of insufficient maintenance from funding shortfalls over the last several decades."

In 2007 then Secretary of Interior

Dirk Kempthorne under President George W. Bush launched a National Park System Centennial Initiative as a \$3 billion, two-part effort. One part would have allocated \$1 billion to upgrade the core operations of the national parks in time for the centennial. Congress made modest down payments on that over the last four years.

The other part of the initiative would have consisted of a Centennial Challenge to make non-core improvements to the national parks. The Challenge would have had Congress put up \$100 million per year to be matched by \$100 million in private contributions, for a total of \$200 million per year. Again, Congress approved some seed money for the effort in appropriations bills, but did not authorize a standing program.

To view the NPCA report go to:  
[www.npca.org/cpr/sanp/](http://www.npca.org/cpr/sanp/).

## **Push begun in DoI, on Hill for Fort Monroe as NPS unit**

The Obama administration is under great pressure to unilaterally designate Fort Monroe in Virginia as a unit of the National Park System, using the Antiquities Act of 1906. Now.

The idea of a Congressionally-designate Fort Monroe National Historical Park enjoys the support of Republicans and Democrats, but Congress may need a decade to enact legislation. So the supporters want a monument designation.

Supporters of Fort Monroe, including the state's U.S. senators, say they envision a partnership arrangement, perhaps akin to the one that transferred the Presidio of San Francisco from the U.S. Army to the Park Service.

As with Presidio, the problem is money. The cost of cleaning up the cultural and natural resources of the 565-acre Fort Monroe could run into the hundreds of millions of dollars. Given the times, that kind of money just isn't available.

Still, Secretary of Interior Ken

Salazar and NPS Director Jon Jarvis demonstrated their interest in the project June 29 when they travelled to Hampton, Va., for a "listening session" with supporters. Subsequently, NPS has scheduled two hearings on a possible transfer for July 19 in Hampton, Va.

"Fort Monroe is a compelling chapter in our nation's arc from Civil War to Civil Rights," said Jarvis. "With such a rich history, it's no wonder that so many in the community feel strongly about ensuring the Fort is preserved. The National Park Service will continue to work hand-in-hand with the state and stakeholders on this front."

NPS spokesman Dave Barna told us, "Director Jarvis is very excited about the possibility of Fort Monroe joining the NPS. He's a native Virginian after all."

Asked about the possibly astronomical costs, Barna said, "Yes there are always challenges to creating a new park but in this case the state and local community support the idea. At this point we don't know if it will be a historic park requiring Congressional approval, or if it will be declared a National Monument by Presidential action."

According to the *Virginia Pilot* newspaper, Salazar indicated last month that President Obama was considering use of the Antiquities Act to declare Fort Monroe a national monument within the National Park System.

Virginia Sens. Jim Webb (D) and Mark Warner (D) did write Obama June 29 and asked him to designate the site as a national monument. Under the 2005 Base Realignment and Closure Act Fort Monroe is scheduled to be removed from the jurisdiction of the Army this September. The property is to be transferred to the Commonwealth of Virginia and to be overseen by the Fort Monroe Authority (FMA), a subdivision of the state.

Webb and Warner told Obama, "The FMA and the local community strongly support the inclusion of Fort Monroe as a unit of the NPS, and believe the

redevelopment of the site should both preserve and protect the historic features of the Fort."

They continued, "The pending closure of Fort Monroe as a military installation offers a unique opportunity to conserve an area of not only national historical and cultural significance, but with tremendous natural and recreational resources, as well."

To emphasize the point Webb and Warner introduced legislation (S 1303) June 29 that would establish a Fort Monroe National Historical Park.

The National Trust for Historic Preservation also asked the President in early June to designate Fort Monroe a national monument within the Park Service.

Fort Monroe lies on a neck of land across from Norfolk, Va., where the Atlantic Ocean meets the James River. It oversees a complex set of water bodies that frame the cities of Hampton Roads, Norfolk, Portsmouth and Virginia Beach. It is the largest stone fortification in the country.

The fort was built between 1819 and 1834. It played both a tactical role in the Civil War and a racial role. Tactically, it was one of few Northern military bases that the South didn't occupy.

Racially, General Benjamin Butler made his famous declaration in 1861 that slaves were "contrabands of war" and would not be returned to their southern masters after capture.

In addition to the dozens of historic structures on the Fort Monroe site, there are sweeping open spaces, including a golf course, that hold great potential for recreation. Some of the developed sites are expected to remain with the State of Virginia and some may be used for commercial purposes.

## **No Hill guarantee for senators' LWCF guarantee bill**

Western Senate Republicans -

predictably - are less than enthused about a new Senate bill that would guarantee full appropriations of \$900 million per year for the Land and Water Conservation Fund (LWCF).

An aide to Sen. Lisa Murkowski (R-Alaska) said the new bill would draw his boss's opposition. "Sen. Murkowski has always said that the program should be handled by appropriators and not direct spending. Appropriators know how money should be allocated among competing programs."

The aide to Murkowski, ranking minority member on the Senate Energy Committee, said the bill's future is not good. "It'll get a hearing and might get out of committee," he said, "but I wouldn't give it a great chance of getting through this Congress."

The bill is a long shot this year of course because the trend now in Congress is to reduce federal spending. Chief sponsor Sen. Jeff Bingaman (D-N.M.) and his allies are swimming against that tide.

As proof, the House subcommittee on Interior appropriations approved a fiscal year 2012 spending bill July 7 with just \$46.7 million for the federal and state sides of LWCF.

Still, a spokesman for Bingaman put on a brave face. "In my decade here, (Sen.) Bingaman has never been much for message bills," said spokesman Bill Wicker. "If a bill doesn't have a shot at getting enacted, Bingaman typically has little interest in being part of it. So I have to believe that S 1265 is a serious attempt at legislating."

Wicker added, "However, in this harsh budget environment, no one is delusion about how hard it will be to get this bill through. Because the LCWF has always been an important priority for Chairman Bingaman, he probably would tell you, 'We gotta get caught trying.'"

LWCF supporters have argued for decades that the program does not take new money out of the government because offshore oil and gas royalties finance

it, with an estimated unspent backlog of \$18 billion.

Said Will Rogers, president of The Trust for Public Land, "Now is the time for Congress to step up and guarantee the future of the Land and Water Conservation Fund. Since it was created in 1964, LWCF has preserved land and provided recreation opportunity for tens of millions of Americans in every state."

There is a new wrinkle in this year's LWCF bill - a provision from Sen. Jon Tester (D-Mont.) that would require the allocation of 1.5 percent of the total annual appropriation for LWCF (both state and federal combined) to provide access to public lands for recreation, with an emphasis on hunting and fishing.

In the event of a small appropriation Tester would allocate \$10 million to public lands access. He has introduced the provision as a stand-alone bill (S 901).

LWCF received a boost in February when the President's America's Great Outdoors (AGO) initiative recommended full funding of \$900 million per year for the program. But the AGO recommendation would leave the program susceptible to the whims of annual appropriations because it would not guarantee the money. And appropriators seldom come close to matching the \$900 million authorization.

Sponsors of S 1265 are Bingaman, Tester, Max Baucus (D-Mont.), Mark Udall (D-Colo.) and Ron Wyden (D-Ore.)

Although he didn't cosponsor the bill, Republican Sen. Richard Burr (N.C.) has in the past supported LWCF funding.

For the traditional federal and state sides of LWCF in a fiscal year 2011 appropriations bill Congress approved just over \$200 million - \$165 million to the federal side and \$40 million to the state side. But the House subcommittee on Interior appropriations indicated that those numbers are coming down in fiscal 2012.

## House Republicans don't cut off funds for monuments

A House appropriations subcommittee July 7 did not launch an expected double-barreled attack to head off the designation of conservation lands by the Obama administration.

But that doesn't mean the full House Appropriations Committee won't launch such an attack next week on wild lands and national monuments.

At the July 7 mark-up of a fiscal year 2012 appropriations bill for the Interior Department and Related Agencies, the subcommittee under chairman Mike Simpson (R-Idaho) deferred such amendments until full committee. The panel then approved the spending measure. The full committee is scheduled to take up the bill July 12.

In a fiscal 2011 appropriations bill (PL 12-10 of April 15) Simpson added a provision that bars the Interior Department from spending any money to designate wild lands. House Republicans may attempt to extend that ban through all of fiscal 2012, which begins October 1.

However, the wild lands provision may not be necessary because Secretary of Interior Ken Salazar already told two senior House Republicans June 22 BLM will not attempt to designate wild lands after October 1.

So a ban on monument designation may be more consequential - and even more controversial - than a ban on wild lands. That's because the Antiquities Act has been used more than 100 times over the last decade to protect large tracts of American land. Rep. Denny Rehberg (R-Mont.) is a lead advocate of a ban.

Beginning with Teddy Roosevelt, 15 Presidents have designated national monuments ranging in size from the one-acre Fort Matanzas National Monument (managed by NPS) in Florida to the 10,600,000-acre Yukon Flats National Monument in Alaska (now a wildlife refuge).

If Congress adopts a Rehberg amendment, it would prevent President Obama from designating Fort Monroe in Virginia as a National Historical Park within the National Park System, as the state's senators have requested. (See *separate article page WHAT.*)

The Obama administration under the lead of Secretary of Interior Ken Salazar has been at war for more than two years with western Republicans over protection of conservation lands, particularly in the West.

In addition to the repeal of the wild lands policy western Republicans have demanded release of BLM and Forest Service wilderness study areas to multiple uses and repeal of a Clinton administration national forest roadless rule. Their most recent attack came in late May when five senators, led by Sen. John Barrasso (R-Wyo.), introduced legislation (S 1087) to accomplish those four goals. Rep. Kevin McCarthy (R-Calif.) has introduced a counterpart bill (HR 1581).

Salazar's December 2010 wild lands Order #3310, which applies just to BLM-managed lands, is also being fought over in the courts. Backed by the State of Alaska, the State of Utah filed a lawsuit April 29 to block it. The states argued, just as Utah counties did in a previous lawsuit, that only Congress has the authority to designate wilderness, and the Interior Department policy usurps that authority.

The *Associated Press* reported in early June that Utah and Alaska will continue to pursue their lawsuit even though Salazar promised not to designate any wild lands.

More than 100 environmental groups sent a letter to all members of the House of Representatives last month objecting to the Barrasso/McCarthy bill.

## **House committee will begin with austere roads bill**

House Transportation Committee Chairman John Mica (R-Fla.) laid out a six-year surface transportation

bill July 7 that, as expected, would provide little assistance to recreation programs. Mica intends to mark up the bill in committee Tuesday, July 12.

Unlike the existing surface transportation law the bill will probably not set aside no money for transportation enhancements, recreational trails, scenic byways, Safe Routes to School and other recreation programs.

Altogether the Mica bill would provide no more than \$35 billion per year over six years. That's the amount now generated by gasoline taxes for the Highway Trust Fund.

"The challenge is to work within the existing \$35 billion in current funding," he said. "We think we can get double the value for that money by streamlining the project approval process." He said the committee was still adding details to a staff draft and will begin mark-ups soon.

The recreation community is disappointed, but also realistic. "The bill will be met with lots of nasty words," said Derrick Crandall, president of the American Recreation Coalition industry alliance. "There is little chance of recreational trails and scenic byways as set-asides."

Crandall said interest groups are considering the possibility of asking their allies in the committee to offer an amendment Tuesday to provide some set-aside recreation money.

The Mica bill will almost certainly not be enacted as written. But it will provide a tough negotiating position for critics of federal spending in general and critics of spending gasoline tax money from the Highway Trust Fund on recreation programs in particular.

The other major Congressional player in surface transportation legislation, the Senate Environment and Public Works Committee, is preparing its own draft bill. Most recent reports indicate the committee will trot out a two-year bill with significantly more

money than the House committee, possibly an extension of existing spending levels.

Outdoor advocates are keeping their eye on a potential provision in both the Senate and House that would revise existing requirements for environmental reviews of recreation and cultural sites. In the last six-year law (SAFETEA-LU) the National Trust for Historic Preservation and recreation groups helped write a 4(f) position that would provide exemptions from such reviews only under carefully-defined circumstances.

Sen. Lisa Murkowski (R-Alaska) fired an opening shot in the 4(f) debate May 26 when she introduced legislation (S 1081) to further limit environmental reviews. Her bill in general would streamline the environmental review process for highway projects. It would give the Federal Highway Administration additional responsibility for expediting projects and would eliminate several layers of environmental review. Murkowski said her bill would make highway projects significantly less expensive at a time when highway money is at a premium.

The National Trust says the Murkowski bill would remove historic sites from environmental reviews and limit such reviews strictly to wildlife and waterfowl refuges. The Murkowski bill says, "the Section 4(f) program or project includes all practicable planning to minimize harm to the park, recreation area, or wildlife and waterfowl refuge resulting from the use." Historic properties aren't on that list.

Here's where the three main players stand on a roads bill:

**HOUSE TRANSPORTATION COMMITTEE:** Under chairman Mica the committee is expected to go first next week and begin marking up a six-year bill. The committee is expected to use a spending cap of \$218 billion, or an average of \$36.3 billion per year. Chairman Mica has frequently criticized "fluff" programs, inferentially park and rec spending.

The bill reflects the recommendations of chairman Mica and committee Republicans. Ranking committee Democrat Nick Joe Rahall (W.Va.) has asked to be in the room with the committee mark was produced, but was rebuffed.

**SENATE EPW COMMITTEE:** Under chair Barbara Boxer (D-Calif.) the Senate committee is expected to follow closely behind the House committee and draft a bill later this month. Boxer has said her bill would authorize \$339 billion, or \$56.5 billion per year. Boxer is expected to try to protect outdoor programs such as transportation enhancements but Republican senators such as ranking committee minority member James Inhofe (R-Okla.) have openly expressed opposition to such spending.

**OBAMA ADMINISTRATION:** The administration's fiscal year 2012 budget recommended a \$556 billion six-year surface transportation bill or \$92.6 billion per year. The administration would provide robust funding for such outdoor programs as transportation enhancements, recreational trails, scenic byways and federal lands roads. It would consolidate them into a new "Livability" line item at \$4.1 billion. Comparable programs under the existing law received \$2.9 billion in fiscal 2010. They are now funded as individual programs.

## **Beach closures up last year but health said the same**

A new report on the health of America's beaches says little changed nationally last year over the previous year, with 92 percent of beaches met or exceeded national health standards. That's down slightly from 93 percent in 2009.

But the report from the Natural Resources Defense Council (NRDC) said that the number of closings and warnings issued by officials was the second largest since the organization began analyzing beach data 21 years ago.

The 24,091 days of warnings and

advisories may be a little deceptive because of the beach fouling caused by the BP Deepwater Horizon oil spill in the Gulf of Mexico.

Said NRDC, "As of the end of January, 83 miles of (Gulf) shoreline remained heavily or moderately oiled, while tar balls and weathered oil continue to wash ashore. As a result, many beaches in the region have issued oil spill advisories, closures, and notices since the disaster began more than a year ago."

But NRDC said most of the closures and advisories last year were caused by human and animal waste from stormwater runoff and sewage overflows. And that can be prevented. "America's beaches have long suffered from pollution - the difference is now we know what to do about it," said NRDC senior attorney Jon Devine. "By making our communities literally greener on land - we can make the water at the beach cleaner."

Clean beaches constitute an important recreation and tourism asset for communities, states and the nation. "Clean beachwater is not only good for public health, it supports healthy coastal economies that generate billions of dollars and support millions of American jobs," said David Beckman, director of the Water Program at NRDC.

To generate its report NRDC reviewed data on beachwater from more than 3,000 testing locations around the country. State and Indian tribes generate the data under the BEACH Act, as in the Beaches Environmental Assessment and Coastal Health Act of Oct. 10, 2000. That law set national standards for monitoring beaches

Overall the states with the lowest rates of contamination last year were New Hampshire (1 percent), New Jersey (2 percent), Oregon (3 percent), Hawaii (3 percent) and Delaware (3 percent). The worst states were Louisiana (37 percent), Ohio (21 percent), and Indiana (16 percent).

NRDC added a new wrinkle to its report this year by singling out four extra-clean individual beaches: Rehoboth

and Dewey Beaches in Delaware; Park Point Lafayette Community Club Beach in Minnesota; and Hampton Beach State Park in New Hampshire.

On the down side NRDC identified the dirty 10, including three in California: Avalon Beach in Los Angeles County, Calif. (three of five monitored sites), Cabrillo Beach Station in Los Angeles County, Calif. (two of six monitored sites); and Doheny State Beach in Orange County, Calif.

The seven other dirty beaches are: Keaton Beach in Florida; North Point Marina North Beach in Illinois; Beachwood Beach West in New Jersey; Villa Angela State Park in Ohio; Ropes Park in Texas; Eichelman Beach in Wisconsin; and South Shore Beach in Wisconsin.

The full report is at <http://www.nrdc.org/beaches>. NRDC also prepared a separate listing of the 200 most popular beaches in the country at <http://www.nrdc.org/water/oceans/ttw/200beaches.asp>.

## **PEER continues Big Cypress Addition plan legal attack**

Environmentalists last week stepped up litigation against a Park Service decision to recommend "only" 47,000 acres of wilderness in Addition lands in Big Cypress National Preserve.

The environmental group Public Employees for Environmental Responsibility (PEER) asked NPS Director Jon Jarvis to review a letter from the Southeast Regional director explaining the methodology NPS used in choosing the recommended wilderness areas.

PEER complained that preserve managers chose whole new standards for wilderness consideration that had never been used before by NPS. Those standards substantially expanded the acreage that could be considered roaded and thus not eligible for wilderness designation. Specifically, NPS increased the width of road corridors from .01 miles to .25 miles.

"By the stroke of the pen, Mr. Vela widened corridors of wilderness ineligibility by a factor of 25," said PEER Executive Director Jeff Ruch in a June 29 letter to Jarvis. Vela is NPS Southeast Regional Director.

Ruch said, "By Mr. Vela's own admission, this 2010 reassessment used different criteria for determining wilderness eligibility than those previously used in the history of (NPS). Yet these new standards were not published for comment, were not subjected to peer review and were not field tested before they were applied."

Thus, argued PEER, the NPS methodology violated something called the Data Quality Act. That law (really a two-sentence provision in a 2001 appropriations bill) directed the Office of Management and Budget to issue guidelines to agencies to maximize the quality and objectivity of data. At the time the provision was enacted it was considered a gift to corporations to use to attack regulations.

But PEER has adopted the act as a weapon in its broad attack on a February 4 management plan for 147,000 acres of Big Cypress National Preserve Addition lands. Congress expanded Big Cypress in 1988 when it approved the 147,000 acres of Additions. The initial preserve was established in 1974 with 582,000 acres.

When NPS issued a record of decision in February implementing the management plan for the addition, it was widely viewed as an attempt by the Park Service to split the baby and give everybody something.

For off-road vehicle (ORV) users the plan provides 130 miles of trails in the 147,000-acre Addition to provide access to backcountry hunting and fishing.

But the plan, signed by NPS Southeast Regional Director David Vela, disagrees with a recommendation of sportsmen that no wilderness be designated in the backcountry; the plan calls for more than 47,000 acres of wilderness recommendation to Congress.

For environmentalists the plan would gradually phase in the 130 miles of trails and would have NPS recommend the 47,000 acres for wilderness. But the plan offends the environmentalists by allowing any ORV use in the Addition.

In a major legal attack separate from the complaint about the wilderness review methodology, a coalition of environmental groups notified the Interior Department March 9 that it might file a lawsuit against the plan. The groups, including PEER, gave the department 60 days to resolve alleged violations of the Endangered Species Act in the plan.

If the alleged violations aren't cured, the groups say they will file the lawsuit.

On the issue of wilderness eligibility, in 2006 NPS conducted an initial review and identified 110,000 acres as wilderness candidates. In 2009 and 2010 NPS conducted a second wilderness eligibility assessment (WEA) and came up with the 47,000-acre recommendation.

In a June 9 letter to PEER, regional director Vela said the 2010 WEA is simply a revision of the 2006 WEA and thus is nothing new.

"The 2010 WEA, which mapped, numbered, and determined eligible or ineligible all areas based on whether or not they met the criteria, provided for each eligible or ineligible area the criteria met or unmet, as well as the reasons, which provided a level of detail and explanation lacking in the 2006 WEA," he said. "Thus, the 2010 WEA was a revision of the 2006 WEA, not a separate undertaking, and so represents the finalization of the wilderness eligibility determination process begun in 2006."

The NPS letter to PEER of June 09 is available at [http://peer.org/docs/nps/6\\_30\\_11\\_NPS\\_reply\\_PEER\\_DQA\\_WEA\\_BICY.pdf](http://peer.org/docs/nps/6_30_11_NPS_reply_PEER_DQA_WEA_BICY.pdf).

The PEER appeal is available at: [http://peer.org/docs/nps/6\\_30\\_11\\_PEER\\_Big\\_Cypress\\_DQA\\_Appeal.pdf](http://peer.org/docs/nps/6_30_11_PEER_Big_Cypress_DQA_Appeal.pdf).

## DoI report says BLM rec is a major jobs provider

A new Interior Department report says that recreation on BLM lands produces more jobs than hard rock mining, timber harvests and grazing combined.

According to the 146-page report - the *Department of the Interior's Economic Contributions* - recreation on BLM lands produces 58,947 jobs, while hard rock mining produces 42,265, grazing 4,181 and timber 3,748.

Despite recreation's strong showing energy development on the public lands is still the big dog when it comes to job production and revenues. Oil, gas and coal development lead to seven times as many jobs as recreation - 420,207 to 58,947. And the total economic contribution of oil and gas and coal is \$99.17 billion, compared to just \$7.43 billion for recreation.

Secretary of Interior Ken Salazar did not pick winners and losers in announcing the release of the report. "This report demonstrates that the Department also generates and supports private sector jobs and economic growth across the Nation, underscoring how investing in recreation, conservation and energy development can play an important role in getting our economy moving again," he said in a statement.

Utah Gov. Gary R. Herbert (R) singled out the economic importance of recreation on BLM-managed lands to his state. "I've always said we have a beautiful state, with stunning views and vistas. Our scenery alone makes Utah a highly desirable place to visit," he said. "One of the key reasons Utah is leading the nation out of the recession is the diversity of our economy. Outdoor recreation is one of our seven key economic clusters or areas of focus. This report confirms that the multiple use of our public lands is beneficial in many ways."

The Western Watersheds Project jumped on the report to argue against grazing on the public lands. Said the

project: "Recreational uses of the public lands create many more jobs and much more economic value than public lands ranching. Despite the staggering disparity in economic value of these competing lands uses, (BLM) continues to manage public lands to benefit public lands ranching above and beyond all other uses."

Said the project, "Nobody wants to pitch a tent in cow waste, have their trip cut short by E. Coli or Giardia or visit public lands that smell like a feedlot."

Although hard rock mining creates fewer jobs than recreation, it does produce a greater total economic contribution - \$9.58 billion to \$7.43 billion. However, grazing produces an economic contribution of only \$540 million and timber just \$810 million, the report says.

Compared to other Interior Department agencies BLM comes in second in job development behind the Bureau of Ocean Energy Management and its offshore oil and gas development program. The Bureau of Ocean Energy produces 642,000 jobs compared to 549,000 by BLM, 416,000 by the Bureau of Reclamation (mostly from irrigation water), 247,000 by Park Service recreation, 137,000 by the Bureau of Indian Affairs and 33,000 by Fish and Wildlife Service recreation.

The report, *Department of the Interior's Economic Contributions*, is available at:

<http://www.doi.gov/news/pressreleases/upload/DOI-Econ-Report-6-21-2011.pdf>.

## Notes

**Yellowstone proposes snowmobile rule.** The public comment period on a draft EIS on snowmobile use in Yellowstone National Park had not even ended July 5 before the Park Service proposed formal regulations based on the draft EIS. The comment period on the draft EIS doesn't end until July 18. The proposed regulations - to be implemented this coming winter if all goes as planned - follow the preferred alternative in the EIS. That is, they would authorize variable daily

limits on the number of snowmobiles and snowmachines. The park would allow as many as 330 snowmobiles on peak days and as few as 110 on slow days. The average would be 254 machines per day. By comparison last winter - 2010-2011 - the park posted a daily limit of 318 snowmobiles per day. A 2004 plan allowed 720. Clearly, the Interior Department is trying to strike a middle ground between environmentalists who recommend no snowmobiles in the park and users who would prefer something closer to the 2004 limits of 720 machines. The draft EIS was published May 10 and the comment period is to end July 18, or eight days after the regulation was proposed. The park intends to issue a final EIS, a decision, and a final rule before the start of the 2011-2012 winter season in mid-December. *Comments on the proposed rule may be submitted by Regulation Identifier Number (RIN) 1024-AD92 to the federal rulemaking site at <http://www.regulations.gov> or by mail to Yellowstone National Park, Winter Use Proposed Rule, P.O. Box 168, Yellowstone NP, WY 82190.*

**Ashe confirmed at FWS.** Without a formal vote the Senate June 30 confirmed the nomination of Daniel M. Ashe as the next director of the Fish and Wildlife Service. The confirmation was delayed for almost seven months because of "holds" on his nomination from various U.S. senators. One such hold was placed by Sen. James Inhofe (R-Okla.), but he removed it on May 18 after Ashe agreed to go to Oklahoma and consult on endangered species issues. However, Interior is not home free because Inhofe has also objected to the nomination of Rebecca Wodder as Ashe's putative boss as assistant secretary of Interior for Fish and Wildlife and Parks. Inhofe did not say if he would place a hold on the nomination of Wodder, who comes from the environmental community. She was most recently president of the American Rivers environmental group. Ashe, on the other hand, has been a career employee of FWS, serving as the deputy director of policy since 2009. An important FWS constituent, [Ducks Unlimited](#), praised the confirmation. Association president Dale Hall, a director of FWS himself from 2005-2009, said, "I have known and worked with

Dan for more than 15 years. He's a strong supporter of wildlife resources, an avid outdoorsman and a committed conservationist. The Fish and Wildlife Service is an important partner to Ducks Unlimited, and we look forward to working together to tackle the challenges facing wetlands and waterfowl today."

**California enacts tough budget.** California Gov. Gerry Brown (D-Calif.) carried through on his promise to close 70 state parks June 30 when he signed into law a 2011-2012 budget that reduces state funding by \$10 billion to \$15 billion, depending on who is counting. Brown's predecessor, Gov. Arnold Schwarzenegger (R), repeatedly proposed park closures to help meet budget deficits but the state legislature either defeated his proposals or Schwarzenegger found money elsewhere. But now all parks on the hit list are to be closed by July 1, 2012. California state parks said 92 percent of visitation in parks will be maintained and 94 percent of revenues from entrance fees, etc. will be maintained. A broad coalition of tourism interests and conservationists put together a major voter initiative in the Nov. 2, 2010, election that could have protected California state parks in perpetuity. But California voters rejected Proposition 21 that called for an \$18 fee on 28 million registered vehicles in the state. It would have applied the \$500 million per year to conservation purposes through a trust fund. The California budget is at [www.ebudget.ca.gov](http://www.ebudget.ca.gov).

**FWS may protect two bat species.** The Fish and Wildlife Service (FWS) said June 28 that it will conduct a detailed review to determine if it should provide special protections to two bat species. FWS said the Center for Biological Diversity has provided sufficient evidence that the bats are endangered to merit the in-depth review. Bats are dying off by the hundreds of thousands from white-nose syndrome, primarily in the East. Federal land managers have begun to close caves to recreationists to protect bats. Meanwhile, the Forest Service in the Rocky Mountain Region is granting a significant exception to its ban on access to caves in five

western states. Under strict rules it will allow the National Speleological Society to enter caves in the White River National Forest July 18-21 during the society's annual convention. Last July the regional office closed caves and abandoned mines to prevent the spread of white-nose syndrome. FWS said it was reviewing the status under the Endangered Species Act of the eastern small-footed bat, which occurs from eastern Canada and New England south to Alabama and Georgia and west to Oklahoma, and the northern long-eared bat, which occurs across much of the eastern and north-central United States.

#### **Overflight delay posted again.**

President Obama signed a new law June 29 (PL 112-21) that extends an existing law governing the Federal Aviation Administration until July 21 to provide time to write a new one. The House and Senate have each approved bills to replace the existing law with significant policy changes for regulating air tours over the national parks. The House approved its replacement bill (HR 658) April 1. It would establish new aviation policy in general and overflight policy in particular for the next four years. Among other things the bill would exempt parks with 50 or fewer air tours per year from preparation of an air tour management plan. It would also allow the Federal Aviation Administration (FAA) and NPS to develop "voluntary agreements" with air tour operators to allow overflights without a management plan. The Senate approved its multi-year FAA bill (S 223) February 17. It would establish new aviation and air tour policy for just two years. It would tighten regulations governing overflights. Among other things the bill would attempt to clarify the air tour responsibilities of the Federal Aviation Administration and the Park Service. While the House and Senate differ on overflight policy the overarching issues before a House-Senate conference committee are the price of a bill (House, \$59.7 billion; Senate, \$34.6 billion), the length of a bill (House, four years; Senate, two years) and airline worker election rules.

#### **EPA not backing off coal rules.**

EPA said last month that it intends to

complete rules to limit pollutants from coal-fired power plants by November 16, in conformance with an agreement with environmentalists. EPA did extend a comment period on its proposed rules for 30 days until August 6. Environmental groups such as the National Parks Conservation Association (NPCA) have petitioned the federal government for the last two decades to crack down on pollutants from coal-fired power plants. NPCA and friends charge that plants such as the Navajo Generating Station in Arizona impair visibility over national parks, including Grand Canyon National Park. In a separate action from the upcoming EPA regulations the environmentalists in January asked the U.S. District Court for the District of Columbia to direct the Interior Department and the Department of Agriculture to certify that specific coal fired power plants are causing haze over national parks and wilderness areas. The proposed EPA regulations are far broader and will almost certainly lead to new litigation. More information is available at: <http://epa.gov/airquality/powerplanttoxics/>.

#### **Feds work on urban waterways.**

The White House and three federal departments said June 24 they have put together a partnership to help clean up and restore urban waterways. The Urban Waters Federal Partnership (UWFP) will include 11 federal agencies. UWFP is focusing on seven pilot waterways: the Patapsco Watershed (Maryland), the Anacostia Watershed (Washington DC/Maryland), the Bronx & Harlem River Watersheds (New York), the South Platte River in Denver (Colorado), the Los Angeles River Watershed (California), the Lake Pontchartrain Area (New Orleans, LA), and the Northwest Indiana Area. The partners include EPA as well as agencies within the Department of Interior and the Department of Agriculture. Said Agriculture Secretary Tom Vilsack, "The Urban Waters partnership will not only give thousands of urban Americans access to the great outdoors in a way they haven't had before, it also creates partnerships between the federal government and American communities on conservation issues." The white House Domestic Policy Council is heading up the show.

For more information, [www.urbanwaters.gov](http://www.urbanwaters.gov)

#### **Southern Louisiana park proposed.**

For the third Congress Sen. Mary Landrieu (D-La.) introduced legislation (S 1325) July 5 that would have the Park Service study the lower Mississippi River area for possible designation as a unit of the National Park Service. Landrieu said the area in and around the southern end of the Mississippi River in Louisiana contains historical and cultural attributes deserving of designation as a national historical site. Historically, the area includes Fort Jackson where an important Civil War battle was fought. Culturally, the area has been home to Creoles, Europeans, Indians, Yugoslavs, African-Americans and Vietnamese.

#### **Buffalo Bayou NHA repropoed.**

Rep. Gene Green (D-Texas) reintroduced legislation (HR 2378) June 24 that would designate a Buffalo Bayou National Heritage Area NHA) in Houston, Texas. The NHA would recognize the role of the waterway in the development of Houston. Sen. Kay Bailey Hutchison (R-Texas) has introduced a counterpart bill (S 127). The Senate subcommittee on National Parks held a hearing on the Senate bill May 11. However, the chances of the legislation going very far as a stand-alone bill with its \$10 million price tag are not very good. And House Republicans say they are opposed to an omnibus lands bill.

## **Conference calendar**

### JULY

13-15. **The International Convention of Allied Sportfishing Trades** in Las Vegas. Contact: American Sportfishing Association, 225 Reinekers Lane, Suite 420, Alexandria, VA 22314. (703) 519-9691. <http://www.asafishing.org>.

15-19. **National Association of Counties** annual conference in Portland, Ore. Contact: National Association of Counties, 440 First St., N.W., 8th Floor, Washington, DC 20001. (202) 393-6226. FAX (202) 393-2630. <http://www.naco.org>.

18-22. **National Speleological Society**

annual meeting in Glenwood Springs, Colo. Contact: National Speleological Society, 2813 Cave Ave., Huntsville, AL 35810-4331. (256) 852-1300. <http://www.caves.org>.

### AUGUST

4-7. **Outdoor Retailer Summer Market 2011** in Salt Lake City. Contact: Outdoor Industry Association, 4909 Pearl East Circle, Suite 200, Boulder, CO 80301. (303) 444-3353. <http://www.outdoorindustry.org>.

16-18. **Safe Routes to School** National Conference in Minneapolis, Minn. Contact: [www.saferoutesconference.org](http://www.saferoutesconference.org).

### SEPTEMBER

4-8. **American Fisheries Society** annual meeting in Seattle. Contact: American Fisheries Society, 5410 Grosvenor Lane, Suite 110, Bethesda, MD 20814-2199. (301) 897-8616. <http://www.fisheries.org>.

6-9. **National Association of State Park Directors** annual meeting at Custer State Park in South Dakota. Contact: Philip K. McKnelly, NASPD Executive Director, 8829 Woodyhill Road Raleigh, NC 27613. (919) 676-8365. <http://www.naspd.org>.

### OCTOBER

4-6. **Outdoor Industry Association Rendezvous** in Portland, Ore. Contact: Outdoor Industry Association, 4909 Pearl East Circle, Suite 200, Boulder, CO 80301. (303) 444-3353. <http://www.outdoorindustry.org>.

5-10. **The Wildlife Society** annual meeting in Waikoloa, Hawaii. Contact: The Wildlife Society, 5410 Grosvenor Lane, Bethesda, MD 20814-2197. (301) 897-9770. <http://www.wildlife.org>.

12-14. **Sportfishing Summit** in New Orleans, La. Contact: American Sportfishing Association, 225 Reinekers Lane, Suite 420, Alexandria, VA 22314. (703) 519-9691. <http://www.asafishing.org>.

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