

# Federal Parks & Recreation

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## **Senate rejects both House and Dems' spending bills**

The Senate March 9 not only rejected a House version of a fiscal year 2011 spending bill (HR 1), but it also rejected a substitute version prepared by its own Senate Appropriations Committee.

Senate Majority Leader Harry Reid (D-Nev.) said he knew the votes were preordained but held them anyhow to set up final (he hopes) negotiations on fiscal 2011 appropriations.

Reid said just before the votes, "Everyone has done the math and everyone knows how these votes will turn out. It is likely neither proposal will pass, which means neither will reach the President's desk, and we will go back to square one, back to the negotiating table."

Senate Democratic appropriators March 4 set up the test of wills when they produced their version of a fiscal 2011 money bill that largely rejects House cuts for park and recreation programs.

The Senate bill, expected to be on the floor next week, would maintain federal land management agency funding at roughly fiscal year 2010 levels, effectively offsetting \$162 million in reductions the House approved February 19 in HR 1.

In addition, the Senate bill would provide \$407 million for the Land and Water Conservation Fund (LWCF), compared to the House's \$41 million. Of the \$407 million \$40 million would be allocated to state LWCF grants and \$76.4 million to a Forest Legacy program, according to Senate Appropriations Committee staff. *(The federal LWCF breakdown is below.)*

For state and Indian wildlife conservation grants the Senate would provide \$90 million, compared to no money in the House version of HR 1.

There is a deadline. The House and Senate have until March 18 to complete a fiscal 2011 appropriations bill, unless they agree to extend that deadline (April 15 is being discussed.) The House and Senate struck an agreement last week that avoided a previous deadline of March 4 (PL 112-4 of March 2).

The two sides are now trying to reach agreement on spending for the remaining seven months of fiscal 2011. Although HR 1 is on the Senate floor, the White House, House leaders from both parties and Senate leaders from both parties are in negotiations.

Here are a few highlights of the Senate and House bills:

\* Federal side of LWCF: The Senate would provide \$191.5 million more than the House, \$232.6 million, compared to the \$41.1 million approved by the House. That Senate number is still less than the \$277.9 million appropriation in fiscal 2010 and well below the administration request for fiscal 2011 of \$384.1 million.

Further federal LWCF breakdown: BLM: Senate \$26.7 million, House \$2.8 million; FWS: Senate \$63.9 million, House \$15.1 million; NPS: Senate \$108.8 million, House \$14.1 million; and FS: Senate \$33.2 million, House \$9.1 million.

\* State side of LWCF: Senate appropriators would provide \$40 million. The House would provide no money. The fiscal 2010 appropriation was \$40 million and the administration's fiscal 2011 request was \$50 million.

\* State wildlife conservation grants: The Senate would provide \$90 million compared to a House number of no money. The fiscal 2010 appropriation was \$90 million and the administration's fiscal 2011 request was \$90 million.

\* Park Service operations: The Senate would provide \$2.3 billion, or

\$63 million more than the House-passed number of \$2.237 billion. The Senate roughly matches the fiscal 2011 administration request and would increase the fiscal 2010 level by \$39 million.

\* Park Service construction: The Senate would provide \$210 million, or \$38 million more than the House-passed number of \$172 million. The Senate number exceeds an administration request by about \$15 million but comes in at \$30 million less than fiscal 2010.

\* Park Service recreation and preservation: The Senate and House are in rough agreement at about \$58 million, or about \$10 million less than the fiscal 2010 level.

\* Historic Preservation: The Senate would provide significantly more than the House, \$69.3 million compared to \$54.5 million. The fiscal 2010 allocation was \$79.5 million and the fiscal 2011 administration request was \$54.5 million. Senate appropriators didn't provide a further breakdown among individual programs.

\* Forest Service recreation: The Senate would provide \$285 million or roughly the same as the fiscal 2010 level and about \$8 million less than the administration request. The House number was not available.

\* Wild lands: The Senate does not address Secretary of Interior Ken Salazar's order to the Bureau of Land Management (BLM) to study its lands for possible wild lands designation. The House-passed bill would bar spending on the program.

Altogether the Senate would reduce fiscal 2010 spending for all 12 appropriations bills by about \$31.1 billion, or about half the \$61 billion reduction in the House bill.

For the Interior Department portion of HR 1 the Senate bill would provide \$3.3 billion more than the House bill. It would appropriate \$31.1 billion, compared to \$27.8 billion in the House bill. The Senate number is still \$1.3 billion less than the administration request of \$32.4 billion.

Senate appropriators said they were able to avoid reductions in federal land management agency spending by rescinding \$600 million in emergency fire-fighting money. The \$600 million had been appropriated in prior years in anticipation of severe fire seasons, which did not eventuate.

Said the Senate Appropriations Committee majority, "(T)he bill is able to forego the \$162 million in cuts to basic operations at the National Park Service, the Forest Service, the Fish & Wildlife Service and the Bureau of Land Management contained in the House bill. By taking such a drastic level of cuts to the accounts that pay employee salaries, the House bill puts in jeopardy the jobs of 1,045 park rangers, forest rangers, law enforcement rangers, maintenance personnel. The loss of these jobs would result in the curtailment of operations and necessitate the closure of recreational facilities nationwide."

Details on the Senate bill are available at <http://www.appropriations.senate.gov>.

## **AGO implementation will rely on Congress for money**

Now that the final report of the America's Great Outdoors (AGO) initiative has been on the street for a few weeks, outdoor activists are beginning to address the hard work of implementing it.

First and foremost comes the immense task of persuading Congressional appropriators to implement a signature recommendation of full funding for the Land and Water Conservation Fund (LWCF).

Said one key Senate Democratic staff member this week, "It sounds to me like a push for higher appropriations. The LWCF components would be funded higher than other programs. It will be a challenge to keep the appropriations up."

Tom Franklin, director of policy and government relations for the Theodore Roosevelt Conservation Partnership

(TRCP), concurred in the focus on appropriators. "That's where I think the battle will be fought over whether Congress will agree," he said.

In an annual rite of spring a coalition of environmental groups March 7 laid out their agenda for the year in a Green Budget, and high on that agenda is AGO and LWCF. "Our nation's need to protect critical habitat and to provide recreational opportunities continues to grow," said the Green Budget. "The (AGO) Report released by President Obama in February 2011 showed unequivocally that LWCF is the highest conservation funding priority of this Administration, and that sentiment was echoed by Americans across the country during the 51 listening sessions."

LWCF supporters will advance two major arguments for supporting the AGO report and LWCF – the health of people and economics. On the health front, said Craig Mackey, director of recreation policy for the Outdoors Industry Association, "We're looking at the role played by the feds to use their leverage for healthy people and healthy communities in healthy public lands. We would like to see fully functional, accessible recreation in the future in terms of trails, bike routes, greenways and open spaces."

As envisioned by AGO, LWCF is a ticket for doing all of those things.

On the economics side the AGO report, presented to President Obama February 16, makes its own case. It says, "In 2006, recreationists spent \$122.3 billion on their activities, including equipment, licenses, user fees, and trip-related expenses. This is one per-

### **NOTICE: PUBLISHING SCHEDULE CHANGE**

Dear Subscriber:

The next issue of *Federal Parks & Recreation* will be published on April 1, one week later than the usual biweekly cycle. After that we will resume our regular biweekly publishing schedule. We thank you for your consideration.  
The Editors

cent of Gross Domestic Product.” That statistic comes from a National Survey of Fishing, Hunting, and Wildlife-Associated Recreation.

Franklin of TRCP, which represents sportsmen, emphasized the importance of LWCF to access to hunting and fishing grounds. With LWCF money “they can set aside multiple use lands for access to hunters and fishermen,” he said. “It provides great benefits in national wildlife refuges and forests. Broader public lands acquisitions and easements are what we are interested in. The number one issue for sportsmen is access.”

Faced with a huge federal budget deficit the federal agencies that prepared the report did not call for dramatic, expensive new programs. Instead the authors chose to shine a light on existing programs.

Said Kristen Brengel, director of legislative and government relations for the National Parks Conservation Association (NPCA), “There are not necessarily new programs but AGO focused on existing programs. There are no real new programs except for wildlife management corridors. They look at large landscapes.”

Indeed, when we asked a Senate Energy Committee staff member this week if committee chairman Jeff Bingaman (D-N.M.) or subcommittee on National Parks chairman Mark Udall (D-Ariz.) had discussed implementation of the report, the staff member said simply, “No.”

Meanwhile, Secretary of Interior Ken Salazar is serving as the administration’s point man in promoting the AGO report. This week he addressed the National Bike Summit in Washington, D.C., hosted by the League of American Bicyclists.

On February 23 Salazar and NPS Director Jon Jarvis launched a five-year observance of the 150<sup>th</sup> Anniversary of the Civil War. The Interior Department said the occasion follows up on the AGO report. Next week Salazar is scheduled to address the National Recreation and Park Association at its National Legislative Forum on Parks and Recreation.

The AGO report’s central recommendation of full funding of LWCF at \$900 million per year lacked one thing – a recommendation that Congress guarantee the money each year. Instead, the administration would continue to make LWCF susceptible to the whims of Congress in appropriations bills. “That’s another hurdle,” acknowledged NPCA’s Brengel.

Right now the whim of House Republicans is that LWCF should receive virtually no money. On February 19 the House approved a fiscal 2011 appropriations bill (HR 1) that would cut \$532.6 million out of an Obama administration request of \$619 million for LWCF, leaving just \$86.4 million.

However, the Senate Appropriations Committee Democrats March 4 released their version of HR 1 and it included \$407 million for LWCF.

The administration did back LWCF in a fiscal 2012 budget request released February 14. It asked Congress to provide full funding of \$900 million for LWCF with \$465 million for federal land acquisition, or \$187 million more than a fiscal 2010 appropriation of \$277.9 million.

For state grants the 2012 budget asks for \$200 million, or \$160 million more than a fiscal 2010 appropriation of \$40 million. Of the state-side money \$117 million would be allocated to competitive state conservation grants, \$78 million to regular state conservation grants and \$5 million to administration.

Although short on specifics, the AGO report does recommend a shift in focus for the state side of LWCF from strict recreation support to broader assistance for urban parks and open space. It would do that by having states expand on their LWCF planning in Statewide Comprehensive Outdoor Recreation Plans.

Other key report recommendations, according to conservationists, are support of a Park Service Rivers, Trails and Conservation Assistance and a new Youth Conservation Corps.

The AGO report is available at <http://americasgreatoutdoors.gov/>.

## **GOP and administration begin annual LWCF wrestling match**

Western Republicans complained in one voice last week that the Obama administration's signature outdoor commission recommendation for full funding for land acquisition would hamstring federal agency maintenance.

But Secretary of Interior Ken Salazar and his allies fired back and said the American people are requesting full funding of \$900 million per year for the Land and Water Conservation (LWCF).

The dueling sound bites from House and Senate hearings on a fiscal year 2012 Obama administration budget request foreshadow the appropriations battle ahead. As does an ongoing fight between the House and Senate over fiscal 2011 LWCF spending.

Ranking Senate Energy Committee Republican Lisa Murkowski (R-Alaska) opened the attacks on the administration's fiscal 2012 request. "Given the pressing need to balance our budget, I have to question this spending," she told Salazar at a March 2 Senate Energy Committee hearing on the Interior Department budget. "Each land management agency within the Department of the Interior already has a sizeable maintenance backlog. The National Park Service alone is at \$9 billion. If we cannot afford to manage the land that we already have entrusted to the federal government, then it is irresponsible to acquire more."

Salazar told the committee that Congress made a deal with the nation in the early 1960s: Oil and gas companies would be allowed to drill for oil and gas off the coast of the United States and in return a portion of the royalties would be put back into conservation through LWCF. "Their view was we take from the earth and put something back into conservation and yet when you look at the nearly 50 year history of (LWCF), it has only been fully funded to my knowledge once," said Salazar. "In the time LWCF has been authorized it has been credited with \$31.7 billion but it

has only been funded to a tune of about \$16 billion."

In a separate hearing on the Forest Service budget the next day the same Senate committee heard Forest Service Chief Tom Tidwell say that the American public told the President's America's Great Outdoors initiative they support full funding.

"We did close to 50 listening sessions around the country last year on America's Great Outdoors," he said in response to questions from Sen. John Barrasso (R-Wyo.) "This is one of the things we heard across the country. There is more and more support for land conservation and more and more support for full funding for LWCF."

Tidwell said that Forest Service land acquisitions create side benefits, such as blocking up federal lands to make them easier to manage, providing access to federal lands barred by private landowners and providing rights-of-way for power lines.

But Barrasso charged during the committee's session with Salazar, "I'm concerned about the administration's fascination with limiting multiple use on public lands and obtaining more land at the same time. There seems to be a theme of expanding control within America's Great Outdoors initiative and treasured landscapes."

The same debate took place in the House Natural Resources Committee March 3 during a hearing with Salazar on the Interior Department budget.

Said committee chairman Doc Hastings (R-Wash.), "The Department of the Interior has a maintenance backlog on public lands that measures in the billions of dollars. I believe the government has responsibility to maintain and care for our existing lands before spending money we don't have to acquire more and more and more land."

Ranking Republican Edward Markey (D-Mass.) was more supportive. "I also welcome your proposal for full funding of the Land and Water Conservation Fund. This fund is based on the simple prem-

ise that as we deplete one resource, we should preserve other natural resources.”

In the central recommendation of its America’s Great Outdoors initiative the Obama administration February 16 called for full funding of LWCF. However, the report presented to President Obama did not call on Congress to guarantee the \$900 million each year. Instead, the administration would continue to make LWCF susceptible to the whims of Congress in appropriations bills.

The administration did request full funding of LWCF in a fiscal 2012 budget request released February 14. It asked Congress to provide \$465 million for federal land acquisition, or \$187 million more than a fiscal 2010 appropriation of \$277.9 million.

For state grants the 2012 budget asks for \$200 million, or \$160 million more than a fiscal 2010 appropriation of \$40 million. Of the state-side money \$117 million would be allocated to competitive state conservation grants, \$78 million to regular state conservation grants and \$5 million to administration. Here’s a further breakdown:

LWCF STATES: an increase of \$160 million for the state side of the program, to \$200 million from \$40 million in fiscal 2010;

LWCF NPS ACQUISITION: an increase of \$73.7 million, to \$160 million from \$86.3 million in fiscal 2010;

LWCF FISH AND WILDLIFE SERVICE ACQUISITION: an increase of \$53.7 million, to \$140 million from \$86.3 million in fiscal 2010;

LWCF BUREAU OF LAND MANAGEMENT ACQUISITION: an increase of \$20.4 million, to \$50 million from \$29.7 million in fiscal 2010; and

LWCF FOREST SERVICE ACQUISITION: an increase of \$26.5 million, to \$91.2 million from \$64.7 million in fiscal 2010.

## **New highway bill getting in gear; Hill buys 7 months**

President Obama signed a bill into law March 4 that extends the existing surface transportation law for seven

months, or until the end of September (PL 112-5).

That gives Congress a little time to write a new, multi-year surface transportation law to replace the existing law that technically expired at the end of September 2009. Congress has repeatedly extended the old law.

How outdoor programs fare in a new bill is very much up in the air. The Obama administration in its fiscal 2012 budget request last month called for a robust extension and expansion of such park and rec programs as transportation enhancements, recreational trails, scenic byways and federal lands roads.

But the administration proposal has a huge price tag of \$556 billion over six years and no way to pay for it. The current source of surface transportation money – motor fuel taxes – would only provide a fraction of the money.

Further, House Transportation Committee Chairman John Mica (R-Fla.) has repeatedly said he will not recommend an increase in the gasoline tax. Mica is expected to introduce his recommended long-term bill shortly; it will serve as a counterpoint to the administration’s recommendations.

Mica also said his first priority will be funding meat-and-potatoes surface transportation projects, i.e. highway construction. That could leave park and rec programs out in the dark.

Said one lobbyist, “We expect Mica to drop a bill soon and he’s looking at a \$35-to-\$37 billion (per year) bill that reflects current income from the fuels tax.”

Mica’s Senate counterpart, Senate Environment and Public Works (EPW) Committee Chair Barbara Boxer (D-Calif.), is not as far along as Mica. But she has begun hearings on a new surface transportation law.

Boxer said on passage of the seven-month extension, “I am continuing to work with my colleagues from both sides of the aisle on a new surface transportation bill for the 21st Century. Our

goal is to get this legislation enacted by the end of this year."

The current transportation law - the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) - authorizes outdoor programs individually.

The Obama fiscal 2012 budget would consolidate recreation and trails programs into a new "Livability" line item at \$4.1 billion. Comparable programs under SAFETEA received \$2.9 billion in fiscal 2010.

Livability money would be divided among three kinds of grants: \$3.4 billion in formula grants; \$500 million in livable community discretionary grants; and \$200 million in capacity building discretionary grants.

Federal land roads would be funded separately from Livability programs under a new Federal Lands Access Program for federal land management agencies and Indian tribes. The Federal Lands Access Program would consolidate old funding for the Park Service, federal lands and tribes into one line item. The total funding would increase from \$1.3 billion in fiscal 2010 to \$1.4 billion in fiscal 2012.

A sub-line item called Federal Lands Transportation program would receive \$430 million, with \$315 million going to the Park Service and the Fish and Wildlife Service and \$115 million collectively to the Forest Service, the Bureau of Land Management and the Corps of Engineers.

**RECREATIONAL TRAILS PITCH:** A huge coalition of outdoor groups wrote the House Transportation Committee and the Senate EPW Committee recently to pitch for a reauthorization of the Recreational Trails Program in a new highway law and to ask that it not be melded with other programs.

"We also emphasize our strong support for continuation of the Recreational Trails Program as a discrete program," said the Coalition for Recreational Trails. "We understand that efficiencies can be achieved by integrat-

ing some programs. However, in the case of the RTP, which has come to serve as the foundation for every state's trail program, we think that the damage to the program would far outweigh any potential administrative benefits."

Marianne Fowler, senior vice president for federal relations for the Rails-to-Trails Conservancy, and Derrick Crandall, president of the American Recreation Coalition, cochair the alliance.

## **House rejects monuments curb, and Senate doesn't mention it**

The House barely rejected February 19 legislation that would have prevented the designation by President Obama of any national monuments in fiscal year 2011, which ends September 30.

By a vote of 209-to-213 the House defeated an amendment to an omnibus fiscal 2011 spending bill (HR 1) that would have shut off money for the Antiquities Act of 1906, which authorizes designation of monuments on federal land.

For their part Senate appropriators March 4 put together a Senate version of HR 1 that does not address the monuments issue. The bill was still on the Senate floor at press time.

When HR 1 was on the House floor Rep. Dean Heller (D-Nev.), sponsor of the no-monuments amendment, made his case. "New national monuments would limit access, threaten grazing rights, end mineral exploration of mining, and even impact private property," he said. "And this is the last thing we need in this dire economy."

But Rep. Jim Moran (D-Va.), ranking Democrat on the House subcommittee on Interior appropriations, countered, "It must be remembered that the lands withdrawn are federal lands owned by all Americans - not just the residents of certain states or localities in which they happen to be located. The nation, not just a single state, has a vital interest in the future of these lands and their unique qualities."

The monuments battle is far from over. Western Republicans February 17

picked up where they left off last year and introduced legislation to limit the President's authority to designate national monuments under the Antiquities Act.

Unlike the Heller amendment the stand-alone legislation (HR 758, S 407) would still authorize a President to designate a national monument, but the bills would require Congressional approval within two years. If Congress did not endorse a designation, the land would revert to pre-monument status.

The lead sponsor of the new House bill limiting the President's authority is Rep. Wally Herger (R-Calif.) Seven western Republicans cosponsored the bill. Sen. Mike Crapo (R-Idaho) introduced the Senate bill with eight Republican cosponsors.

Said Crapo, "For too long, Presidents have had the ability to sneak monument designations into law without any Congressional oversight, review or approval. This legislation is critical so that the public and Congress can review and engage in any decisions involving private and public lands and designations for national monuments."

Heller introduced his amendment to the fiscal 2011 appropriations bill in part because of an internal Department of Interior memo that surfaced a year ago and suggested the possible designation of 14 monuments on BLM-managed land, coupled with the acquisition of private tracts for \$2 billion more.

Conservationists praised the House for rejecting the amendment. "For more than a century, with the support of the American people, presidents from both parties have used the Antiquities Act to rise above the politics of their day and better protect our national treasures," said Chris Soderstrom, vice president of the Conservation Lands Foundation. "We are grateful for the Representatives who looked out for the interests of future generations by defending the Antiquities Act."

**NLCS amendment:** In a related development Rep. Rob Bishop (R-Utah) offered but later withdrew an amendment

to HR 1 that would have cut off money for management of the 26 million-acre National Landscape Conservation System (NLCS) managed by BLM. The NLCS includes 26 million-acres of conservation lands, including national monuments.

The administration requested a fiscal 2011 appropriation of \$31.5 million for the NLCS, up from \$31.3 million in fiscal 2010. Said Bishop of his amendment to cut off that spending before withdrawing it, "The NLCS has created an unnecessary, costly, and confusing two-tiered system within the BLM that clouds the BLM's historic mission. I have yet to see a compelling example of how our nation benefits from adding another expensive layer of bureaucracy to the management of our public lands."

But Brian O'Donnell, executive director of the Conservation Lands Foundation, said, "We commend the House of Representatives for standing up for the National Conservation Lands. This is fantastic news for Red Rock Canyon National Conservation Area, Sonoran Desert National Monument, Gunnison Gorge National Conservation Area, and so many other incredible places."

## **House money bill would block 'wild lands'; Senate wouldn't**

The House February 19 approved a fiscal year 2011 appropriations bill (HR 1) that would bring Secretary of Interior Ken Salazar's "wild lands" program to a halt by shutting off money for it.

But Senate appropriators last week did not include such a provision in their version of HR 1 that was on the Senate floor this week. So until the House and Senate agree on a final fiscal 2011 money bill the issue won't be decided.

The House provision from Rep. Mike Simpson (R-Idaho) is perhaps the most far-reaching outdoor policy initiative in HR 1. Simpson said of an administration proposal to designate wild lands managed by the Bureau of Land Management (BLM), "I'm concerned that this initiative will make it more difficult to make good land management decisions and result in increased litigation."

Simpson warned Salazar at a March 8 hearing by the subcommittee on Interior appropriations that he chairs that he will try to block the program in fiscal 2012 as well. "Only Congress has the authority to designate wilderness, and I can guarantee you that any subcommittee bill this year will include a funding prohibition relating to the wild lands policy, whether it is included in the underlying bill or added on the floor with an amendment," he said.

In a related development western House Republicans teed off on Salazar at a hearing on the wild lands policy of the House Natural Resources Committee March 1.

Committee chairman Doc Hastings (R-Wash.) charged straight up that the policy was illegal because only Congress has the authority to designate wilderness. "The Wilderness Act of 1964 very clearly gives Congress, and only Congress, the statutory authority to create new Wilderness areas," he said. "It's absurd for the Obama administration to claim that giving wilderness a different label of 'wild lands' will somehow pass legal muster. Clever semantics cannot circumvent the law."

Hastings also let the administration know that House Republicans would do everything they could to block the proposal. "I've repeatedly stated that oversight of the Obama administration's actions will be a top priority of this committee," he said.

At the hearing ranking committee Democrat Ed Markey (Mass.) rejected the illegality charge, and criticized the Bush administration. "The Bush Administration did not want Congress to preserve wilderness so they volunteered to stop looking for it," he said. "Secretarial Order 3310 directs BLM to rejoin the hunt for wilderness, as required by the act. In other words, Secretarial Order 3310 is an announcement that Secretary Salazar, unlike several of his predecessors, is ready to do his job."

Salazar told the Senate Energy Committee March 2 he had no choice but to identify wild lands under the law

(the Federal Land Policy and Management Act, FLPMA). "The wild lands Secretarial Order that I issued is something from my point-of-view that is required by law," he said. "Circuit courts have ruled on the mandamus responsibility of the Secretary of Interior and BLM to have an inventory of lands with wilderness characteristics under Sections 201 and 202 of FLPMA."

Sen. Lisa Murkowski (R-Alaska) said at the hearing that Salazar seemed to be using FLPMA to poach on Congress's responsibility to designate wilderness under a separate law, The Wilderness Act of 1964. "The wild lands policy appears to be a work around of limitations within The Wilderness Act," she told Salazar. "Interior has specifically stated that BLM will review land which was previously designated for a specific purpose, like the National Petroleum Reserve Alaska, and that it will be reevaluated and could be designated as wild land."

Although the real action on the issue is in the appropriations bill, the authorizers also wanted their pound of flesh.

The House approved HR 1 February 19 with no money to carry out the wild lands program. The vote on the bill was 235-to-189. No separate vote on the wild lands provision was held.

Western Republicans for the last month have stepped up their criticism of Salazar's wild lands proposal of December 22. In Secretarial Order #3310 he directed BLM to designate wild lands through its land use planning process. The order becomes controversial because those wild lands would have many of the characteristics of wilderness, and only Congress has the authority to designate wilderness.

To this point western Republicans and their allies have not filed a lawsuit to carry out their bottom line argument that BLM has no authority to designate wilderness, although rumors suggest some states and counties are interested.

BLM now manages 8.7 million acres

of wilderness designated by Congress and an additional 15 million acres of wilderness study areas.

The House appropriations bill language (Section 1778) says in its entirety: "None of the funds made available by this division or any other Act may be used to implement, administer, or enforce Secretarial Order No. 3310 issued by the Secretary of the Interior on December 22, 2010."

## **Wyoming signs off on \$107M Grand Teton land transfer**

The State of Wyoming gave final approval last month to legislation that opens the way for the transfer of more than 1,000 acres of state land to Grand Teton National Park.

The final legislative vote came on February 15 when the Wyoming House approved the transfer in a 54-to-6 vote. Gov. Matt Mead (R-Wyo.) then signed the measure into law February 18 as Chapter No. 51, according to the governor's office.

To consummate the deal the federal government must come up with the \$107 million to acquire the land. In fact the Obama administration's fiscal year 2012 budget includes a request for \$10 million for down payment on the acquisition of the inholdings.

But asking Congress to come up with that much acquisition money at a time of extraordinary austerity is asking a lot. In fact the House February 19 approved a fiscal year 2011 appropriations bill (HR 1) that would cut \$532.6 million out of an Obama administration land acquisition request of \$619 million, leaving virtually no money for new acquisitions.

There may be an alternative source of money for the acquisition. During negotiations between the state and the Interior Department the Wyoming press reported that in return for giving up the state inholdings Wyoming might receive federal coal reserves near ongoing coal mines. Those massive reserves could quickly amount to \$107 million,

but complex legislation would have to be written.

Conservationist supporters of the acquisition are putting the pressure on the Wyoming Congressional delegation. "To accomplish this next big step, we will look to the Wyoming Congressional delegation to take the lead by seeking congressional appropriations to seal the deal, and achieve what the National Park Service has said is one of its top national priorities for park land protection," said Sharon Mader, Grand Teton program manager for the National Parks Conservation Association (NPCA).

The Wyoming Congressional delegation – Sens. John Barrasso and Mike Enzi and Rep. Cynthia Lummis, all Republicans – have long been critics of federal spending, including land acquisition.

But Barrasso, a senior member of the Senate Energy Committee, said in response to an inquiry from *FPR*, "I support Wyoming's efforts. Wyoming negotiated a framework with the Administration. The Administration should make it a priority to carry out that agreement." However, Barrasso is not an appropriator.

Mader of NPCA said the \$10 million down payment in the President's fiscal 2012 budget request is not at the top of the National Park Service's list of recommended. She said it held a seventeenth priority.

Further, she said, if Congress didn't fund all fiscal 2011 requests (a good possibility), some of those 2011 acquisitions could be bumped forward into fiscal 2012, further lowering the Grand Teton priority.

Coal companies produce a huge portion of the nation's coal from coal mines in the Powder River Basin. Wyoming is the leading coal producing state in the country and the Powder River Basin alone produces more than twice the amount of coal each year as second-place West Virginia, and more than the entire Appalachian region. While the federals appear to have a valuable bargaining chip, the loss of royalties could pose a budget problem.

## Notes

### **Enviros warn of Big Cypress suit.**

A coalition of environmental groups notified the Interior Department March 9 that unless a Big Cypress Addition plan was revised immediately they would file a lawsuit. The notice gives 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, including the Public Employees for Environmental Responsibility (PEER), say they will file the lawsuit. The environmentalists object to a Park Service decision to recommend only 47,000 acres of wilderness in Big Cypress National Preserve Addition lands. PEER said the recommendation, included in a land use plan for the 147,000-acre Addition, effectively reverses the findings of two previous analyses that would have included an additional 40,000 acres of wilderness. PEER said the new analysis was conducted without public involvement. The final plan and EIS, announced Nov. 24, 2010, purported to provide a little for both off-road vehicle (ORV) users and environmentalists. For ORV users the plan would provide 130 miles of trails in the Addition to provide access to backcountry hunting and fishing. But the plan disagrees with a recommendation of sportsmen that no wilderness be designated in the backcountry; it calls for more than 47,000 acres of wilderness recommendations to Congress. For environmentalists the plan would gradually phase in the 130 miles of trail 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. The park says it will "soon" publish a record of decision that will implement the plan. 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.

### **FS holds initial planning confab.**

The Forest Service laid out its proposed planning rule in detail to the general public March 10 in the first major public forum since the rule was proposed February 10. The proposed rule is being widely hailed by the recreation community as giving recreation at least equal

billing with commodity uses. The service says it will hold similar forums in every region of the country at places and times yet to be identified. In introducing the proposal last month Secretary of Agriculture Tom Vilsack repeatedly emphasized the role of recreation in national forests, perhaps in response to complaints from the recreation community. "We believe this rule will provide for sustainable recreational opportunities recognizing the important role that outdoor recreation plays in the economy of rural America that surrounds these forests," he said. Recreationists have complained that back-up documents prepared by the service last year gave recreation short shrift. As required by the National Forest Management Act of 1976 (NFMA) the Forest Service has since 1976 prepared 127 forest plans to guide land uses in 155 national forests and 20 grasslands (some plans cover more than one forest and/or grassland.) Under NFMA forest plans are to be revised every 15 years. However, the agency said dozens of the existing plans are overdue for revision because they should have been rewritten between 1998 and now. While the Forest Service prepares the new rule it will use a 2000 Clinton administration rule to guide planning by individual forests. However, that 2000 rule also allows forests in turn to use a 1982 rule. The 1982 rule may be the choice of most forests because the 2000 rule was so complex, the agency said. Comment on the proposed rule by May 16 to <http://www.govcomments.com/> or by mail to: *Forest Service Planning DEIS, C/O Bear West Company, 132 E 500 S, Bountiful, UT 84010; or by FAX to 801-397-1605.*

### **Reynolds to lead NPS in Midwest.**

The Park Service said March 4 that deputy Northeast Regional director Michael T. Reynolds has been chosen as the new Midwest regional director. He will replace Ernest Quintana, who has served as regional director since 2003. On his last day of 41 years of service January 31 Quintana was honored by the establishment of an Ernest Quintana Diversity Scholarship Fund for NPS employees. Reynolds is a third generation Park Service employee who grew up in Yosemite National Park. He has held a variety of positions with the Park Service includ-

ing superintendent of Fire Island National Seashore.

**Former energy committee chair McClure dies.** Sen. James McClure (R-Idaho), a senator for 18 years and a House member for six, has died at the age of 86. McClure chaired the Senate Energy Committee for several years during the 1980s, where he helped set policy for outdoor programs. Although McClure was a true-blue Republican, he also worked with Democrats on legislation that designated a Frank Church Wilderness and Sawtooth and Hells Canyon National Recreation Areas.

**FS exceeds fire treatment goal.** The Forest Service said last week that it treated almost 3 million acres of land in 2010 to reduce the risk of wildfire. The 2.94 million acres treated was well above a 2.3 million-acre goal. The service said about 60 percent of the work was performed in wildland urban interfaces. The other 40 percent of the work was performed to protect natural resources, such as watersheds. Because of a tremendous buildup in hazardous fuels in forests over the last several decades, the risk of wild fires has increased exponentially. So over the last 10 years the Forest Service has treated more than 24 million acres with controlled burns and mechanical treatments.

**Conservationists seek farm money.** The National Association of Conservation Districts (NACD) last week asked the Senate to restore funding for Farm Bill conservation programs that a House-passed appropriations bill (HR 1) would cut. Said NACD President Gene Schmidt, "With increased pressures on working lands to produce food, feed, fuel and fiber for our nation and the world, both farm bill conservation programs and discretionary funding for technical assistance are needed now more than ever. These conservation programs are crucial to the health and viability of agriculture and rural America." Schmidt said HR 1 would reduce spending for a Conservation Stewardship Program, an Environmental Quality Incentives Program and a Wetlands Reserve Program. The Senate this week was working on its version of HR 1 that, as drafted by the Senate Appropriations Committee, would restore

much of the Farm Bill money cut by the House.

## Conference calendar

### MARCH

14-19. **75th North American Wildlife** conference in Kansas City, Kan. Contact: Wildlife Management Institute, 1146 19th Street, NW, Suite 700, Washington, DC 20036. (202) 371-1808. <http://www.wildlifemanagementinstitute.org>.

16-18. **NRPA National Legislative Forum on Parks and Recreation**, in Washington, D.C. Contact: National Recreation and Parks Association, 1901 Pennsylvania Ave, N.W., Washington, DC 20006. (202) 887-0290. <http://www.nrpa.org/legforum/>.

29-April 2. **American Alliance for Health, Physical Education, Recreation and Dance** annual meeting in San Diego. Contact: AAHPERD, 1900 Association Drive, Reston, VA 20191. (703) 476-3400. <http://www.aahperd.org>.

30-April 3. **Society for American Archaeology** annual meeting in Sacramento, Calif. Contact: Society for American Archaeology, 900 2nd St., N.E., Suite 12, Washington, DC 20002-3557. (202) 789-8200. <http://www.saa.org>.

### APRIL

4-6. **National Hydropower Association** annual meeting in Washington, D.C. Contact: National Hydropower Association, One Massachusetts Ave., N.W., Suite 850, Washington, DC 20001. (202) 682-1700. <http://www.hydro.org>.

20-21. **Outdoor Industry Association Capitol Summit** in Washington, D.C. Contact: Outdoor Industry Association, 4909 Pearl East Circle, Suite 200, Boulder, CO 80301. (303) 444-3353. <http://www.outdoorindustry.org>.

### MAY

1-4. **National Sporting Goods Association** conference in Tucson, Ariz. Contact: National Sporting Goods Association, 1601 Feehanville Drive, Suite 300, Mt. Prospect, IL 60056-6035. (847) 296-6742. <http://www.nsga.org>.