

Federal Parks & Recreation

Editor: James B. Coffin

Subscription Services: Celina Richardson

Volume 28 Number 23, December 3, 2010

In this issue. . .

Money bills still up in air.

GOP leaders want extension of old spending. Dems want to finish up FY '11 bills .. Page 1

AAA in row with trail backers.

AAA advocates gas tax money only for roads, leaving TE to find its own money sources Page 3

Final budget report out, sort of.

Cochairs complete report, but commissioners haven't endorsed. LWCF, NPS fees were in mix . Page 4

Big Cypress airs new OHV plan.

For Addition lands. It would open 130 miles to OHVs. OHVers wanted more, NPCA less Page 5

Indians seek Redwood NP land.

Yurok Tribe drafts bill to move ancestral lands out. Brother of Jon Jarvis is lobbying .. Page 6

Expansion of easement law asked.

Farmers, conservationists want action on tax exclusion Page 7

FS delays draft planning rule.

Until January at earliest. Hill members send rec letter Page 8

Reid commits to omnibus bill.

Tells Bingaman and Boxer he will allow measure on floor Page 9

SAFETEA extension is expected.

Congress will probably keep old law going for six months ... Page 11

Notes Page 11

Conference calendar Page 14

GOP pushes for approps CR; Dems want to pass bills

Senate Democrats this last week made one more attempt to persuade recalcitrant Republicans to support an omnibus fiscal year 2011 spending bill. They warned the Republicans they would lose \$2 billion in earmarks if the Senate approved a continuing resolution (CR) rather than an omnibus bill.

That \$2 billion of course is government-wide, not just in outdoor programs.

To give themselves time to sort out the situation, the House and Senate this week readied a temporary extension of fiscal year 2010 spending, this time until December 18. The House approved the extension (HJ Res 101) December 1.

For Democrats the most appealing option would be an omnibus appropriations bill that would include all 12 remaining unpassed spending bills. That includes an Interior and related agencies bill, an Energy and Water bill, a Transportation bill and an Agriculture bill.

That would give Democrats one last shot at financing favored programs and would preserve earmarks for all senators and House members.

For Republicans the most appealing option would be a continuing resolution that would extend fiscal 2011 spending for all government programs through February or March, with a two percent or more across-the-board reduction. That would theoretically give a new House Republican majority time to make even greater reductions in fiscal 2011 spending before tackling fiscal 2012 appropriations bills.

As for the earmarks, Taxpayers for

Common Sense has identified \$1.9 billion in Republican earmarks spread across nine bills approved by the Senate Appropriations Committee this year. That does not include an Interior and related agencies appropriations bill.

Several moderate Republicans are the beneficiaries of earmarks, including Sens. Kit Bond (Mo.), George Voinovich (Ohio) and Bob Bennett (Utah.) All are retiring at the end of the year so they will not be so susceptible to pressure from an anti-earmarks campaign.

The Democrats currently have a 58-to-42 seat advantage in the Senate. Votes from Bond, Voinovich and Bennett could provide a filibuster-proof majority to move an omnibus spending bill.

From the Republican leadership side Senate Minority Leader Mitch McConnell (R-Ky.) and new House GOP leaders have made it clear they will try to force Democrats to pass a short-term CR now.

McConnell gave the Democrats the news that he - and by extension most other Republican senators - will oppose a comprehensive appropriations bill and will support a CR. "So I won't be supporting an omnibus spending bill," the minority leader said just before the Senate left for a Thanksgiving holiday.

As justification McConnell said, "If this election showed us anything, it's that Americans don't want Congress passing massive trillion dollars bills that have been thrown together behind closed doors." That puts McConnell in alignment with incoming Speaker of the House John Boehner (R-Ohio.)

Also in the House Rep. Jerry Lewis (R-Calif.), a lead candidate for chairman of the House Appropriations Committee, is reportedly working on a CR that would run only through February. (An existing temporary CR expires today, December 3.)

Lewis is supposedly seeking a confrontation with the Obama administration over budget cuts. While Obama has proposed a five percent reduction in

domestic spending, Lewis supposedly wants tens of billions of dollars more.

Just before Thanksgiving Senate Appropriations Committee Chairman Daniel Inouye (D-Hawaii) attempted to assemble a giant omnibus appropriations bill that would include up to a dozen individual bills. The omnibus would fund all programs through fiscal 2011, presumably with some major across-the-board cuts.

Here is the status of the four appropriations bills that most affect outdoor programs:

INTERIOR: The House subcommittee on Interior appropriations approved a version of this bill July 22. The Senate Appropriations Committee has not begun work on a bill yet.

If and when the full House Appropriations Committee, the House, the Senate or all of the above do develop a fiscal 2011 Interior money bill, they will be operating under a spending cap of between \$32.2 billion and \$32.3 billion, about the same as the \$32.2 billion total of fiscal 2010, not counting stimulus money.

The House Appropriations Committee has released a few numbers that are in the subcommittee bill, such as an increase in national park operations of \$35.3 million, or \$2.297 billion compared to a fiscal 2010 appropriation of \$2.262 billion; an increase of \$8 million for national forest recreation, from \$285.1 million in fiscal 2010 to \$293.2 million; an increase of \$106 million for the federal side of LWCF, or \$384.1 million compared to a fiscal 2010 appropriation of \$277.9 million; and an increase of \$10 million for the state side of LWCF, or \$50 million compared to a fiscal 2010 appropriation of \$40 million.

APPROPRIATIONS ENERGY AND WATER: The full Senate Appropriations Committee approved this bill (S 3635) July 22 that finances the Corps of Engineers and the Bureau of Reclamation. The House subcommittee on Energy and Water Appropriations approved a counterpart bill (no number) July 15.

APPROPRIATIONS TRANSPORTATION: The full Senate Appropriations Committee approved this bill (S 3644) July 22 that pays for highway and transit programs. The full House approved its counterpart bill (HR 5850) on July 29.

APPROPRIATIONS AGRICULTURE: The Senate subcommittee on Agriculture Appropriations approved this bill (no number) July 15 and the House Agriculture Committee July 27 postponed a scheduled mark-up of a subcommittee-passed bill.

AAA in testy fight with rec interests over gas funding

Trails advocates are having a major falling out with their old allies in the American Automobile Association (AAA) over financing of trails linked to transportation.

AAA in several recent incidents has advocated limiting the use of Highway Trust Fund (HTF) money to road construction; by implication leaving complementary programs - such as transportation enhancements - to find their own sources of revenue. In that outdoor programs receive well north of \$1 billion per year from the HTF, such a move would devastate trail initiatives.

Thus, the Rails-to-Trails Conservancy (RTC) has begun a campaign (1) to attempt to persuade AAA to change its position and (2) if AAA doesn't change its mind, to attempt to persuade trails advocates to relinquish their memberships in AAA.

The dispute began in the September/October issue of *AAA World* magazine when AAA Mid-Atlantic President Don Gagnon wrote, "So why not let the Highway Trust Fund pay for our highways and let general revenues address the other expenses?"

RTC President Keith Laughlin responded with a letter to AAA President Robert L. Darbelnet, asking AAA to renounce Gagnon's position. "I encourage you to disavow the statement of AAA Mid-Atlantic that gas taxes should not be

used to support bicycling and walking, and I urge you to join us by becoming a partner in our Campaign for Active Transportation to double federal investment in walking and biking," Laughlin wrote.

Darbelnet responded to Laughlin, "AAA's positions are clear: seek support for a transportation system that provides choices and multi-modal opportunities, which is affordable and accessible for all users and facilitates personal travel needs. Unfortunately, our overall infrastructure maintenance needs far exceed the available revenue. Significant investment is needed to bring our existing infrastructure into a state of good repair."

AAA also said, according to RTC, "We will not call on Congress to de-fund trail, walking and bicycling programs. We are simply calling for a change of accounting, not actually the elimination of any programs."

But, said RTC, the change of accounting would leave recreation programs penniless. "AAA's position would eliminate Transportation Enhancements (TE) and other long-standing programs that build active transportation facilities such as trails," said RTC. "Starting over with new programs is especially impractical in the face of a possible budget freeze."

Further, said RTC, "Even if budgets were not so tight, to divorce active transportation funding from the transportation finance system would deny state and local officials needed flexibility to develop a healthy mix of transportation choices."

Exacerbating the situation was AAA's more recent reaction to a proposal from the National Commission on Fiscal Responsibility and Reform that gasoline taxes be increased by 15 cents per gallon. AAA essentially said last month that transportation programs should pay for themselves, i.e. gas taxes should be used to benefit those who pay the taxes, not trails.

AAA President Darbelnet, in a

statement reacting to the commission's tax increase recommendation, said, "AAA has stated its support for an increase in the gas tax, provided it's tied to a significantly restructured federal transportation program that is performance-based and ensures greater accountability and transparency. AAA urges all commissioners to support returning the surface transportation program to a pay-as-you-go, user-fee funded system."

RTC complained Darbelnet's budget "position would eliminate critical programs that fund, safe, convenient places to walk and bicycle. The primary example of a 'user fee' as referenced in the press release is the federal gas tax that has historically sustained the transportation trust fund."

If Congress were to follow AAA's advice, not all park and rec programs dependent on the Highway Trust Fund would necessarily be cut off. Scenic byways and federal lands roads are of course highways and would likely be entitled to gasoline tax money. In addition a recreational trails program is supposed to get back some of the fuel taxes paid by off-highway vehicle users.

The dispute between AAA and RTC represents more than political posturing because Congress at some point soon is expected to write a new surface transportation law to replace the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU.)

SAFETEA-LU expired on Sept. 30, 2009, but Congress has kept it alive until December 31 to provide time to write a new law. The House and Senate almost certainly will not complete a new law this month in a lame-duck session, if only because the Obama administration won't submit its recommendation until next February. So another lengthy extension of SAFETEA-LU is in the cards. An extension through March is likely. (See separate article page 11.)

The House subcommittee on Highways and Transit did approve June 24, 2009, a version of a new, six-year highway bill. That measure would spend \$500 billion on

highways and mass transit with a marked emphasis on outdoor programs. However, neither the House nor the Senate identified the money to pay for it. The existing gasoline tax would come up \$100 billion or more short.

Final budget report out, but commissioners haven't backed

The cochairmen of a White House sponsored commission on the nation's debt issued a final report December 1 but without support from the 18 commission members. They cochaired were still trying to rally support at press time.

The cochairmen, former Clinton White House aide Erskine Bowles and former Sen. Alan Simpson (R-Wyo.) did not take positions in their final report on two park and rec issues. In a draft report last month they had recommended that Congress slash spending for the Land and Water Conservation Fund (LWCF) and that Park Service entrance fees be increased.

A second, separate high-level budget commission report released November 16 called for higher fees for users of the public lands. While the commission, headed by former Sen. Pete Domenici (R-N.M.) and former director of the Office of Management and Budget Alice Rivlin, didn't single out recreation fees for an increase they did say:

"New or higher fees for the services that an agency or program provides is another way to meet the constraints of a four-year freeze. Higher fees, in effect, allow for a cut in a program's annual appropriation, or allow for a program to accommodate growing demands due to population growth, inflation, or an increasing need for services."

The two commissions are charged with finding ways to reduce the nation's debt, either through spending reductions or tax increases.

The White House commission headed by Bowles and Simpson recommended in general that the administration freeze federal salaries, reduce the federal

workforce by 10 percent and sell off federal land.

The Domenici-Rivlin commission, sponsored by a Bipartisan Policy Center established by four former senators, said straight up that reductions in non-defense, discretionary funding would not do much. The commission calls itself the Bipartisan Policy Center's Debt Reduction Task Force.

"Stabilizing the debt by 2020 through domestic discretionary cuts alone would require eliminating nearly all such spending - everything from law enforcement and border security to education and food and drug inspection," said the report.

At the same time Domenici-Rivlin would revise the income side of the budget by imposing a new national sales tax while reducing the overall federal income tax.

Domenici-Rivlin does mention one outdoor program - heritage grants - that the Bush administration wanted to eliminate. But Domenici-Rivlin did not take a position on the program's future. Elimination of heritage grants would save \$106 million over five years.

The Bowles-Simpson report called for major across-the-board reductions in the size and cost of the federal workforce. By 2015 they would freeze federal salaries and save \$15 billion that year. The saving in fiscal 2012 would be \$3.3 billion.

By replacing just two out of three federal government positions that come vacant they would cut the workforce by 10 percent to a total of 200,000 workers by the year 2020. And they would eliminate 250,000 non-defense contractors.

Bowles and Simpson also recommended a 15-cent increase in the gasoline tax to pay for a new multi-year surface transportation law with billions of dollars in outdoors money.

Of LWCF Bowles and Simpson in their draft (but not in their final report) had repeated an argument fre-

quently advanced by western Republicans: If the government can't maintain the land it now manages, it shouldn't be buying more land. So the two recommended Congress reduce the fiscal 2011 appropriation from a requested \$619 million to \$300 million.

The commission chairmen had projected in their draft (but not in the final report) a budget for the Park Service of \$3 billion in 2015, down somewhat from to \$3.15 billion appropriation in fiscal year 2010. To help reduce the appropriation they would increase fees from \$172 million per year now by another \$75 million by 2015.

Big Cypress plan splits the difference on ORV use

Off-road vehicle (ORV) users and environmentalists would both gain from a final land management plan for the Big Cypress National Preserve Addition posted last week.

For ORV users the plan would provide 130 miles of trails in the 147,000-acre 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. Environmentalists say ORV use should be banned in the Additions, period.

NPS announced completion of the plan and accompanying final EIS November 24. 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. Of the Addition land 128,000 acres lie

northeast of the original preserve and 18,000 acres are on the west side.

In raw numbers the plan would assign 96,413 of the 147,000-acre Additions to primitive backcountry, with 47,000 acres of that wilderness. Another 49,449 acres would be allocated to backcountry recreation, 18 acres to development and 11 acres to front-country uses.

Implementation of the plan would cost \$6.7 million in nonrecurring capital costs and \$7.9 million in recurring operations costs. NPS cautions that those numbers represent a "midpoint in a possible range," not precise budgetary numbers.

The plan would not immediately open 130 miles of Addition land to ORV users but would rather phase in access. The number of acres opened would depend on "field conditions, proximity to access points, and levels of trail stabilization needed," said the park. For every mile of trail NPS would authorize five ORV permits, so that if and when the whole 130 miles were opened, 650 permits could be issued.

The National Parks Conservation Association (NPCA) objected to the introduction of ORVs to an area known as Mullet Slough and to all of the Addition lands.

Said NPCA in a statement, "Unfortunately, rather than preserving rare and sensitive habitats that are home to the endangered Florida panther, the Park Service chose to maximize vehicular access in the area known as Mullet Slough. In the past, funding and staffing shortfalls have limited the Park Services' ability to manage ORV use within the larger Big Cypress National Preserve and therefore, ORV use should not be introduced to the Addition Lands."

But the Allied Sportsmen's Associations of Florida had its own problems, beginning with wilderness designation. Said Lane Stephens, executive director of the association, in comments on a draft plan, "First, our organiza-

tion adamantly opposes the wilderness designation in the Addition, and the establishment of primitive backcountry management zones."

Stephens recommended somewhat unsuccessfully, "The wilderness designation will deprive families that have a deep cultural history of their ability to once again utilize lands that their fathers and grand fathers enjoyed. We would recommend that the wilderness designation be eliminated and the primitive backcountry management zones be changed to backcountry recreation management zones."

Indian tribe seeks Redwood land, but is it entitled?

It depends on your perspective. The Yurok Indian Tribe in California is either attempting to grab off 1,200 acres of Redwood National Park or simply attempting to consolidate lands that belong to the tribe's ancestral homelands.

Complicating things, the lobbyist promoting legislation to carry out the land transfer for the tribe is the older brother of NPS Director Jon Jarvis, T. Destry Jarvis. A long-time conservationist, Destry Jarvis worked in the Clinton administration Interior Department, including the Park Service.

For the environmental group Public Employees for Environmental Responsibility (PEER) a draft bill to carry out the transfer prepared by Destry Jarvis is a land grab. "This would be an unprecedented and unjustified giveaway of treasured public resources," said PEER executive director Jeff Ruch. "These lands are held in common for all citizens of the U.S., including the Yuroks, and that is the way they should stay."

But in a May E-mail to Redwood Superintendent Steve Chaney obtained by PEER, Destry Jarvis said the legislation would simply consolidate land that is already within reservation boundaries.

"The Tribe's position is that these lands appropriately should be

owned (in Trust) and managed by the Tribe as a key element of their ancestral homeland where their ancestors resided for thousands of years," said the E-mail. "As the draft bill plainly states, the Tribe will manage these lands as tribal park, fully compatibly and cooperatively with NPS."

But PEER's Ruch told us that if the tribe is entitled to the lands by law, it should turn to the federal courts for recourse, not to Congress. "If they are legally entitled to that land, Congress would not need to change the law," he said. "I think they have cultural and emotional claims to the land but it is debatable whether they have a legal claim."

In a response to Jarvis Chaney strongly suggested that the tribe work with the Park Service to resolve the situation administratively without Congress's help. "And while I'd certainly be willing to discuss self governance proposals, the use of less complex, easier to manage authorities such as those we use in the cooperative management arrangement we have with California State Parks is more what I had in mind," Chaney wrote.

PEER fears that the Yurok proposal will find a sponsor in the last days of the lame-duck session of Congress this month and be attached to an omnibus lands bill. However, the House and Senate rarely add legislation to an omnibus bill that hasn't at least been granted a hearing.

The draft Yurok bill, being circulated by PEER at <http://www/peer.org>, anticipates the transfer of title to 1,200 acres of Redwood National Park to the tribe as well as 1,400 acres of the Six Rivers National Forest and a 10-acre Redding Rock that lies five miles offshore and is managed by the Bureau of Land Management. The legislation would also provide \$50 million to acquire forestland from Green Diamond Resources, Inc.

The bill says the Yuroks will manage the land as a tribal park called the Redwood National, State, and Tribal

Parks. It also calls for "co-management" of the land between the tribe and federal agencies.

Destry Jarvis worked in the Park Service from 1993 until 1998, first as a special assistant to the director for Policy and Legislation and then as assistant director for External Affairs. He also worked as a special assistant to the assistant secretary of Interior for Fish and Wildlife and Parks.

Conservationists ask Congress to beef up easement law

Conservationists teamed up with farmers this past week to lobby Congress to strengthen an existing conservation easement law.

They asked Congress to add to a last-minute tax bill a provision to allow rural families to exclude 50 percent of the value of their land from federal taxes, if they put a permanent conservation easement on their properties. The maximum exclusion would be \$5 million.

Under existing law the exclusion is set at 40 percent and the cap is set at \$500,000.

Uncertainty about the future of the provision is beginning to have a negative effect, according to Russ Shay, director of public policy for the Land Trust Alliance. "I would say easements are down 30-to-50 percent from 2009. And a lot of it is driven by uncertainty," he said.

In a letter to House and Senate members last month, the agriculture industry joined with conservationists and preservationists to request that the provision be added to a new tax bill. Sen. Max Baucus (D-Mont.) is working on such a bill that would be best known for its possible extension of Bush administration income tax reductions.

Says the letter, "Landowners can retire the development rights on their land by donating a conservation easement - keeping farm, ranch and forest lands

in productive use, protecting important fish and wildlife habitat, and conserving our scenic and historic heritage across America," says the letter.

"Under previous law, landowners with modest incomes received little or no tax benefit from donating what may be their family's most valuable asset," the letter says. "By allowing such donors to deduct a larger portion of their income over a longer period of time, this incentive enables thousands of landowners to afford conservation."

Shay said conservationists have been in touch with Baucus. "This is Baucus's original provision," he said. "He understands land trusts in Montana and how they are used. He understands how key a provision it is."

There would be a cost. The Piedmont Environmental Council says that the Committee on Taxation has scored the provision at between \$90 million and \$132 million, but that's over ten years. Still, in a period of austerity any small new cost of government is greeted with skepticism

Sens. Mark Udall (D-Colo.), Mike Crapo (R-Idaho) and Judd Gregg (R-N.H.) in July introduced a stand-alone bill (S 3640) that would increase the inclusion to 50 percent and the cap to \$5 million.

Udall argued at the time, "When Congress first created the conservation easement exemption from estate taxes in 1997, a 40 percent exemption up to a total of \$500,000 made sense. Now, that exclusion is simply too small. Since 1997, average farm real estate values have more than doubled and the average farm is larger, as larger farms are more likely to be economically viable."

Among the organizations signing the letter to Congress was the National Cattlemen's Beef Association. Kent Bacus, manager of legislative affairs for the association, said, "Our cattlemen are already taxed through the teeth. Congress must act immediately to give ranching families an option other than selling their land for development. We are working with other agricultural

groups and conservation groups to make sure this important tax credit is included in any end-of-year tax package."

The legislation is supported by a wide array of other stakeholders as well, including the Land Trust Alliance, the Nature Conservancy, the American Farmland Trust, the National Trust for Historic Preservation and the Environmental Defense Fund.

Reps. Earl Blumenauer (D-Ore.) and Eric Cantor (R-Va.) have introduced a House version of the bill (HR 3050.)

FS puts off draft planning rule at least until January

The Forest Service has delayed for a month, at least, publication of a landmark draft planning rule that would guide individual national forests in writing planning rules.

The rule would serve in effect as nationwide policy direction for the agency.

Said a service statement November 22, "We had previously estimated the proposed rule and accompanying draft environmental impact statement would be ready for publication in December. However, now we estimate the publication will occur later this winter. The exact publication date will be announced as soon as possible. . ."

The service had planned to publish a draft rule at the end of December, but 26,000 comments must be analyzed and the draft must be approved by both the Department of Agriculture and the Office of Management and Budget before publication. It is understood the service has completed a draft and is now sending it through the review process.

While commodity users and their critics differ sharply on virtually all elements of a planning rule, the most noise recently has been made by recreation users and the recreation industry. They fear that Forest Service back-up documents relegate recreation to a secondary priority rather than a first priority.

The recreationists have allies in the House, where 41 members wrote Forest Service Chief Tom Tidwell November 18 urging a strong role for recreation. "It is important to note the Multiple-Use Sustained Yield Act of 1960 and the National Forest Management Act both require that USFS manage lands for a variety of purposes, with 'outdoor recreation' listed first," wrote the House members, led by Republican Reps. Kevin McCarthy (Calif.) and Rob Bishop (Utah).

They then encouraged Tidwell to "ensure any national planning rule that is proposed allows for robust and diverse public access to and recreation on our national forests so current and future generations can enjoy their public lands." Most signatories are Republicans, but a few Democrats also signed such as Rep. Dan Boren (Okla.)

One of the more important House members signing the letter, Rep. Mike Simpson (R-Idaho), said, "Hunting, fishing, and backpacking are activities that promote a healthy and active lifestyle and provide opportunities for families to spend time together. What is more, those who live and recreate on public lands are great stewards of the land, and I believe ensuring that people continue to have the opportunity to recreate in our national forests benefits both communities and our forests."

Simpson is expected to chair the House Appropriations subcommittee on Interior and Related Agencies next year. That panel oversees the Forest Service.

Both Tidwell and Under Secretary of Agriculture Harris Sherman this fall have reportedly assured recreation leaders in meetings that recreation will be given its due in a planning rule.

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.

The Bush administration struck out twice in trying to write a master-planning rule. On January 5, 2005, it completed a first set of regulations, without preparing an EIS. And on April 21, 2008, it tried again with a perfunctory EIS. Two federal judges held separately that the Forest Service failed to adequately evaluate the environmental impacts of the rules.

Reid says he will support omnibus, but is there time?

Senate Majority Leader Harry Reid (D-Nev.) told two of his Senate colleagues November 29 that he will attempt to bring an omnibus lands bill to the Senate floor this month in a lame-duck session of Congress.

This is the first indication that the Senate may act on an omnibus bill that conservationists have been requesting for months.

Reid made his commitment to bring up a bill in a meeting with Senate Energy Committee Chairman Jeff Bingaman (D-N.M.) and Senate Environment and Public Works (EPW) Committee Chair Barbara Boxer (D-Calif.)

An aide to Bingaman said the bill is not ready for introduction yet, but when it is introduced it will be led by all noncontroversial bills approved by the Senate Energy Committee over the last two years.

He said it may also include legislation approved by the Senate EPW Committee and the Senate Commerce Commit-

tee, as long as the measures relate to federal land.

In addition, he said, it may include bills that the committee has held hearings on but has not passed yet. "In all likelihood other bills that have had hearings and that have been cleared by both sides would also be candidates," he said.

The Senate Energy Committee has passed more than 60 individual bills that will form the basis for an omnibus.

Even if the Senate approves a bill, the House would have to act on it, and perhaps amend it with individual bills that the House has moved. That could complicate completion of a bill.

A coalition of 173 mostly local environmental groups wrote House and Senate leaders November 10 asking Congress to act on the omnibus.

Among the possible candidates:

GETTYSBURG EXPANSION: S 3159, HR 4395. House approved March 19. Senate hearing May 19. Of the many expansion bills this Gettysburg measure is particularly noteworthy. It would add the Gettysburg Railroad Station to Gettysburg National Military Park and would add a 45-acre tract south of the battlefield to the park. Sens. Arlen Specter (D) and Robert B. Casey (D) and Rep. Todd Russell Platts (R-Pa.) introduced the legislation.

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

FIRST STATE NATIONAL HISTORICAL PARK: HR 3893, S 1801. Senate Energy Committee hearing May 19. Sens. Thomas Carper (D-Del.) and Edward Kaufman (D-Del.) introduced this bill to establish a National Park System unit in their state of Delaware. Rep. Mike Castle (R-

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

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

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

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

COLTSVILLE NATIONAL HISTORICAL PARK: HR 5131, S 3291. The House September 22 refused to approve this bill under a suspension of the rules procedure that requires a two-thirds majority, so it is in trouble. It could still come up again under regular procedures that require a simple majority. Rep. John Larson (D-Conn.) introduced the House bill that would honor the legacies of Colt Firearms and the Colt Family. Sen. Chris Dodd (D-Conn.) introduced the Senate bill which was given a hearing September 29 by the committee.

SAFETEA extension expected for at least half of 2011

House and Senate committees this week began laying the groundwork for legislation that would extend the existing surface transportation law for six months, or until the end of June.

The House Transportation Committee and the Senate Committee on Environment and Public Works (EPW) were reportedly working on such legislation.

Congress has been unable to move a new surface transportation bill since the old law expired more than a year ago on Sept. 30, 2009. Congress has extended the old law, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), until December 31 to provide time to write a new law.

The House subcommittee on Highways and Transit approved a \$500 billion surface transportation bill on June 24, 2009. That measure included a marked emphasis on outdoor programs.

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

But the man on schedule to chair the House Transportation Committee next year, Rep. John Mica (R-Fla.), has thus far discouraged talk of significant new surface transportation spending. When the cochairmen of a White House sponsored commission on future budgets called last month for an increase in the gasoline tax of 15 cents per gallon, Mica said he opposed any new taxes. Instead of higher taxes Mica said he favored using federal money to leverage private investments.

The Obama administration has been prodding Congress to approve in the lame duck an up-front \$50 billion infusion into transportation programs immediately, as a down payment on the \$500 billion bill. He would use increased oil and gas taxes to pay for it.

But any talk of increased taxes - whether on the oil and gas industry or on the price of gasoline - is anathema to most Republicans, particularly in light of the November 2 elections where federal spending was the major issue.

So the leaders of the National Commission on Fiscal Responsibility and Reform were swimming against the tide in their final report December 1 when they called for a 15 cents per gallon gasoline tax increase.

The chairs, former Clinton White House aide Erskine Bowles and former Sen. Alan Simpson (R-Wyo.), did say that Congress should not spend any other money on transportation, such as regular appropriations, as it has in the past.

Although Bowles and Simpson completed a report December 1, it still must be approved by 15 members of the 18-member national commission. The panel is charged with putting put the federal budget "in primary balance so that all operations and programs for the federal government are paid for (achieving deficits of about 3 percent of GDP) by 2015 and to meaningfully improve the long-term fiscal outlook."

Two senators, George Voinovich (R-Ohio) and Tom Carper (D-Del.), did endorse a gas tax hike, even if Mica opposes it. "This proposal will address our transportation needs, create hundreds of thousands of jobs, and reduce the deficit," said Carper.

Notes

Campaign champions local parks.

The National Recreation and Park Association (NRPA) last week launched a new campaign to encourage citizens to visit local parks, and to support those parks. NRPA, which represents state and local park officials, is centering the America's Backyard campaign around a new website, <http://www.amercasbackyard.org>. The website not only provides information about state and local parks but also solicits donations to NRPA to boost local outdoor facilities. Said Barbara Tulipane, CEO of NRPA, "Ultimately, America's Backyard will further expand

and strengthen the park and recreation movement – in local communities, on Capitol Hill and in the national public eye.” NRPA estimates there are 105,000 public parks in the country and 12,000 park agencies. Those facilities generate an estimated \$730 billion each year for the economy, says NRPA.

BLM tightens OHV race rules. The Bureau of Land Management (BLM) last month instructed its field offices to regulate more carefully off-highway vehicle (OHV) races in California after eight people were killed in a race August 15. At the same time BLM is holding in abeyance five applications to conduct OHV races by the promoter of the fatal race, Mojave Desert Racing. The crash occurred during the running of the California 200, one of many major OHV racing events held in southern California each year. Only the huge tracts of federal desert are large enough to hold meaningful events. But environmentalists have pressed BLM for years to close the desert to such events. BLM Director Bob Abbey said the bureau’s review showed that its OHV regulations were sound, but that BLM officials failed to follow the regulations. In fact BLM said adherence to the regulations was “inconsistent” in the five California Desert offices of BLM that regulate OHV races. Among the steps BLM is taking are ensuring BLM staff is in attendance at all races, assessing permit processing fees for permits requiring more than 50 hours of staff work and requiring more oversight by BLM offices. At the August 15 California 200 some 1,000 people watched converted trucks circle a 50-mile track through the desert four times. In addition to the eight people killed in the crash, another 10 were injured. The driver of the truck in the crash, Brett M. Sloppy, 28, of San Marcos, Calif., was not injured and was not charged by the police. He was reportedly driving 40 to 50 miles per hour. BLM said that since the crash it has allowed more than a dozen races to proceed but has denied four permits. And of course the five applications submitted by Mojave Desert Racing are held in abeyance.

Glen Canyon ATVs opposed. The

Southern Utah Wilderness Alliance (SUWA) has mounted a campaign to limit all-terrain vehicles in Glen Canyon National Recreation Area. SUWA says the Park Service allows ATVs on more than 300 miles of the recreation area, but forbids their use in nearby Canyonlands and Capitol Reef National Parks. In a November 24 bulletin SUWA asked its members to urge Glen Canyon to carefully review potential damage to natural resources before allowing ATVs on recreation area roads. Glen Canyon is currently writing an off-highway vehicle plan.

Lawsuit protests EPA on lead. As expected, environmentalists and a group of hunters sued EPA November 23 for refusing to regulate toxic lead in both hunting ammunition and fishing tackle. EPA on November 4 rejected a petition from the groups seeking a ban on lead fishing tackle. EPA said the petitioners didn’t meet a requirement of the Toxic Substances Control Act that they demonstrate such a ban would be the “least burdensome alternative” to protect the health of the nation. In August EPA rejected the petition’s request that the federal government ban lead in ammunition. EPA said quite simply that the Toxic Substances Control Act, under which the petition was submitted, exempts lead ammunition from the jurisdiction of the law. But the plaintiffs in the lawsuit disagreed with EPA’s interpretation of the law. “The EPA has known for years it has the authority to regulate lead,” said Jeff Miller, conservation advocate with the Center for Biological Diversity. “Lead shot was eliminated in 1991 by federal regulation to address widespread lead poisoning of ducks and secondary poisoning of bald eagles. And in 1994, the EPA even proposed banning lead fishing weights that were being eaten by waterfowl.” In addition to the center the groups filing the lawsuit are the Public Employees for Environmental Responsibility and Project Gulpile, a hunters’ organization. The suit was filed in the U.S. District Court for the District of Columbia.

Lawsuit protests refuge scraping. Two environmental groups filed a lawsuit against the Interior Department November

17 for failing to prepare a full-blown EIS to address a proposal to scrape sand from a wildlife refuge in Delaware. Some of the sand from the Prime Hook National Wildlife Refuge would be used to build dune lines to protect 3,200 feet of private property. The Fish and Wildlife Service (FWS) has not issued a final decision yet on the project but has completed an environmental assessment (EA.) The plaintiffs - the Delaware Audubon Society and Public Employees for Environmental Responsibility - argue that the EA fails to address crucial environmental questions, such as, is there enough sand to spare? According to the lawsuit, FWS counters that it is simply proposing to return the sand to its source. The lawsuit was filed in the U.S. District Court for Delaware.

Senate begins to address WRDA. A day late and a dollar short the Senate Environment and Public Works (EPW) Committee held a second hearing November 17 on a possible giant Water Resources Development Act (WRDA) for this Congress. But with just days left in a lame-duck session that will conclude the 111th Congress the Senate has zero chance of moving a WRDA bill. The November 17 hearing - this time on ports and inland waterways - may help lay the groundwork for a WRDA bill next year, if the earmarks ban favored by the new House Republican majority doesn't block an initiative. That's not a good bet because the Republicans this year by and large refused to nominate projects for a WRDA bill. Despite the Republican stance the House Transportation Committee July 29 approved a \$6 billion WRDA measure (HR 5892). It would authorize some 300 projects.

Forest Legacy reaches landmark. The Forest Service said November 23 its Forest Legacy program has now protected more than 2 million acres of private forests. Forest Legacy works with private landowners, states and conservation groups to keep forests healthy. The federal government has provided \$1.1 billion for the program that has been matched by \$630 million in non-federal money. The service says the nation has lost 15 million acres of private forests over the last 10 years and another 22

million acres are at risk. "The Forest Legacy program has protected millions of acres of privately owned forests that could have easily been turned into strip malls and housing developments," said Tom Tidwell, chief of the Forest Service. "This program operates on a 'willing buyer, willing seller' principle for private landowners to promote environmental, social and economic benefits for all."

Kelly to head NPS interpretation. Marta Cruz Kelly, who has worked in a number of Park Service and non-Park Service jobs over the last 30 years, will serve as NPS's new chief of interpretation. In that post Kelly will oversee a clutch of programs, such as education and volunteerism. Kelly is currently the E-Training project manager for the Department of Interior. In the past she has worked for NPS as the superintendent of New Orleans Jazz National Historical Park. Kelly is bilingual with some family members living in Puerto Rico.

Oil and gas drilling in Colorado parks? The Colorado State Parks Board is reviewing proposals to open up to 22 percent of state park land for mineral development, according to the *Denver Post*. In addition, to help balance its budget the state is considering elimination of four parks. Colorado is one of many states that are asking state parks to sacrifice to help balance state budgets. Inevitably the states are turning to park closures and energy development to pay the freight.

OHV advocate Collins honored. Clark Collins, who founded the BlueRibbon Coalition to advocate for off-highway vehicle (OHV) use, was inducted into the American Motorcyclist Association's Hall of Fame November 23. In addition to helping start the BlueRibbon Coalition Collins played a lead role in persuading Congress to approve the National Recreational Trails Act and numerous other pro-OHV initiatives. The induction ceremony was held in Las Vegas.

BP to relinquish Glacier leases. The oil company BP said November 19 that

it would give up 1,853 acres of federal oil and gas leases in the Flathead Valley near Glacier National Park. BP joins ConocoPhillips, Chevron, Anadarko, Allen and Kirmse Ltd., and XTO Energy in relinquishing leases in the Flathead National Forest this year. More than 200,000 acres have now been given up, but about 50,000 acres are still under lease. The relinquishments would theoretically help Montana and the United States to meet their obligations under an agreement with British Columbia to protect the area from development on both sides of the Canada-U.S. border.

Conference calendar

DECEMBER

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

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

JANUARY

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

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

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

20-23. **Outdoor Retailer Winter Market** in Salt Lake City. Contact: Outdoor Retailer, 310 Broadway, Laguna Beach, CA

92651. (949) 376-8155. <http://www.outdoorretailer.com>.

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

FEBRUARY

8-10 **National Ski Areas Association** eastern conference at Killington, Vt. Contact: National Ski Areas Association, 131 South Van Gordon St., Suite 300, Lakewood, CO 80228. (303) 987-1111. <http://www.nsaa.org>.

21-24. **Association of Partners for Public Lands** annual convention in Dallas. Contact: Association of Partners for Public Lands, 2401 Blueridge Ave, Suite 303, Wheaton, MD 20902. (301) 946-9475. <http://www.appl.org>.

MARCH

7-8. **National Association of Counties** legislative conference in Washington, D.C. Contact: National Association of Counties, 440 First St., N.W., 8th Floor, Washington, D.C. 20001. (202) 393-6226. FAX (202) 393-2630. <http://www.naco.org>.

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>.