

# Federal Parks & Recreation

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## Senate appropriators produce money bill; House okays CR

The Senate at press time was nearing a vote on a mammoth fiscal year 2011 spending bill that would pay for all outdoor programs. It just may gain approval because of the support of a handful of Republican senators.

If the Senate does approve the measure, House Democratic leaders may accept the Senate bill, House Majority Leader Nancy Pelosi (D-Calif.) told the press.

The Senate bill comes quite close to the recommendations of President Obama for park and rec programs, including substantial appropriations for the Land and Water Conservation Fund, the Park Service and the Forest Service.

For its part the House approved a continuing spending resolution (CR) December 8, HR 3082, that roughly extends fiscal year 2010 spending levels throughout fiscal year 2011 to keep the government in business.

The House and Senate face a time squeeze. An existing extension of fiscal 2010 spending levels is due to expire December 18, but that could be extended. Democrats and Republicans love to use Christmas Eve as a target deadline in a high-stakes game of chicken.

If Senate Democrats can find enough votes to approve the omnibus spending bill, the House may well go along. If Senate Democrats fail to approve the omnibus, then the Senate may be forced to accept the House CR.

Senate Appropriations Committee Chairman Daniel Inouye (D-Hawaii) and his subcommittee chairmen fattened up the omnibus appropriations bill with

earmarks. And there may just be enough earmarks to attract the support of outgoing moderate Republican senators, such as Sens. Kit Bond (Mo.), George Voinovich (Ohio) and Bob Bennett (Utah.) In addition Sen. Susan Collins (R-Maine) was reportedly considering a vote for the bill.

Those four votes could give the bill enough support for final passage.

Taxpayers for Common Sense had earlier identified \$1.9 billion in Republican earmarks spread over nine bills approved by the Senate Appropriations Committee this year. That does not include an Interior and related agencies appropriations bill. It must be noted that the House CR contains few if any earmarks, so earmarks may in the end not matter. Altogether the Senate bill contains \$8 billion in earmarks. Here are three of the earmarks in the Interior portion of the bill:

\* SACRAMENTO-SAN JOAQUIN NHA: Would establish a Sacramento-San Joaquin Delta National Heritage Area (NHA) in the State of California. A stand-alone bill (S 3927) has been introduced by Sen. Dianne Feinstein (D-Calif.), by coincidence chairman of the Senate subcommittee on Interior appropriations. The NHA would acknowledge the largest inland delta in the world that includes 60 islands, 1,100 miles of levees and 3,500,000 residents.

\* NATIONAL WOMEN'S HISTORY MUSEUM: Would direct the General Services Administration to transfer property in Washington, D.C., for the establishment of a National Women's History Museum. A stand-alone bill (S 2129) was introduced by Sen. Collins. The property is to be used as a site for a national women's history museum for 99 years.

\* MONTANA WILDERNESS: Would designate 369,501 acres of recreation areas and 666,260 acres of wilderness in national forest and Bureau of Land Management land in western Montana. A stand-alone bill (S 1470) was introduced by Sen. Jon Tester (D-Mont.)

the House CR (HR 3082) does contain some changes to specific fiscal 2010 line items and programs.

HR 3082 would effectively continue fiscal 2010 spending levels in 12 different appropriations bills. It would provide a total of \$32.27 billion for the Interior Department and Related Agencies. That is about the same as the \$32.2 billion total of fiscal 2010, not counting stimulus money.

In the outdoor arena HR 3082 would also extend fiscal 2010 spending for a Transportation appropriations bill, an Energy and Water appropriations bill and an Agriculture appropriations bill.

The big unknown in the House CR is earmarks - HR 3082 contains virtually none. In that the Interior bill and Energy and Water bill are historically packed with earmarks (whether initiated by a President or by Congress) it is unclear how fiscal 2011 money will be allocated to line items that usually include earmarks. Among such earmarks are land acquisitions, construction projects, heritage areas, historic preservation grants, Corps of Engineers projects, and much more.

It is understood that, if the CR were eventually enacted, it would drop earmarks included in a fiscal 2010 bill to prevent them from being carried forward to fiscal 2011. At that point agencies will use their existing priority lists for allocating money to specific projects.

For instance, NPS received \$86 million for land acquisition in fiscal 2010 for a long list of specific purchases. Under the House CR the Park Service would again receive \$86 million but the money would be re-allocated based on specific proposed purchases included in the administration's fiscal 2011 budget, and not on fiscal 2010 projects.

The state side of the Land and Water Conservation Fund would receive the same allocation as fiscal 2010, \$40 million.

refer to earmarks they use a strict definition of a spending project proposed by a Congressman. We prefer the looser definition of any specific project, whether proposed by a Congressman or by the administration. For instance, 90 percent of individual land purchases and construction projects are proposed by an administration.)

Among other provisions in the House CR:

\* **SURFACE TRANSPORTATION:** The Transportation bill portion of the CR would extend surface transportation spending through September 2011 at fiscal 2010 levels. However, interest groups, alarmed that the new House Republican majority plans huge cuts in surface transportation next year, are quietly pushing for a two-year extension of the existing law (*see separate article page 5*),

\* **NATIONAL FOREST CABIN FEES:** The Interior bill portion of the CR would place a cap on fees paid by cabin owners in the National Forest System. The CR would not allow the Forest Service to increase fees more than 25 percent above fiscal 2010 levels. (The Senate appropriations bill contains the same language.) Still alive is a separate fee bill (HR 4888, S 3929) that would establish a whole new system for establishing recreation residence payments. The House Natural Resources Committee September 16 approved the bill, raising the possibility Congress will add the measure to an omnibus lands bill (*see separate article page 10*),

\* **NPS REC AND PRES:** The Interior bill portion of the CR would provide almost \$6 million less than the fiscal 2010 level, but nearly \$11 million more than the administration requested. NPS recreation and preservation would receive \$62.6 million compared to \$68.4 million in fiscal 2010 and a \$51 million administration request,

\* **FOREST SERVICE NATIONAL FOREST SYSTEM:** The Interior bill portion of the CR would provide \$1.581 billion, or \$30 million more than a fiscal 2010 appropriation of \$1.551 billion,

\* **FOREST RESTORATION:** The Interior bill portion of the CR would provide \$30 million for a Collaborative Forest Landscape Restoration Fund, or \$10 million less than a Forest Service request. (But the Forest Service may be able to use \$10 million of fire fighting money for restoration programs, as it is doing in fiscal 2010.) Altogether the fiscal 2011 administration budget request asked for \$694 million for all restoration programs. The House didn't specify how much the total restoration program should receive.

**THE SENATE BILL:** The Senate bill would do the following compared to an Obama administration budget request and to fiscal 2010 levels:

\* **STATE LWCF:** match a \$50 million request, compared to a fiscal 2010 appropriation of \$40 million;

\* **STATE WILDLIFE GRANTS:** match a \$90 million request, compared to a fiscal 2010 appropriation of \$90 million;

\* **FEDERAL LWCF:** provide \$305.387 million for land acquisition for federal agencies under the Land and Water Conservation Fund, compared to a request of \$384.1 million and compared to a fiscal 2010 appropriation of \$277.9 million;

\* **URBAN PARKS AND RECREATION RECOVERY:** no money, the same as fiscal 2010;

\* **HISTORIC PRESERVATION STATE GRANTS:** provide \$58 million, compared to a request of \$46.5 million and compared to a fiscal 2010 appropriation of \$46.5 million;

\* **SAVE AMERICA'S TREASURES:** provide \$20 million, compared to a

### **Holiday Publishing Schedule for Federal Parks & Rec**

*Federal Parks & Recreation* will not be published over the holidays so that we may take a brief vacation. Our offices will remain open. The next issue of *Federal Parks & Recreation*, Volume 29 Number 1, will be published January 14, 2011. If news breaks over the holidays, we will post an E-mail bulletin.

request of no money and compared to a fiscal 2010 appropriation of \$25 million;

\* NPS OPERATIONS: provide \$2.299 billion, compared to a request of \$2.297 billion and compared to a fiscal 2010 appropriation of \$2.262 billion;

\* NPS CONSTRUCTION: provide \$197.1 million, compared to a request of \$195.2 million and compared to a fiscal 2010 appropriation of \$239.8 million;

\* NPS RECREATION AND PRESERVATION: provide \$67.958 million, compared to a request of \$51 million and compared to a fiscal 2010 appropriation of \$68.4 million; and

\* NATIONAL FOREST SYSTEM: provide \$1.619 billion, compared to a request of \$1.586 billion and compared to a fiscal 2010 appropriation of \$1.551 billion.

## **Omnibus hangs by a thread; Arizona mine complicates**

A Congress overwhelmed by a dozen last-second appropriations bills, a huge tax bill and a nuclear missile treaty had, at press time, been unable to address a comprehensive lands bill.

That doesn't mean the measure is dead. Congress intends to return for a couple of days next week and may still address an omnibus.

"Until we get the sign from Sen. Harry Reid (D-Nev.) we will continue to clear as many bills as we can," said a Senate Energy Committee staff member. "We are still coordinating with other committees."

As is often the case with omnibus legislation, controversial individual bills may be included that threaten the whole package. This time it is a land exchange bill (S 409) that would allow a major expansion of a copper mine in Arizona. The Bureau of Land Management would provide Resolution Copper, a division of the Rio Tinto mining company, with 2,406 acres of federal land and the company would provide recreation and conservation lands to the federal government.

While Arizona's senators support

the provision, Rep. Raúl Grijalva (D-Ariz.) has opposed it. And he chairs the Senate subcommittee on National Parks Forests and Public Lands. In addition six Indian tribes, including four Apache tribes, have opposed the exchange in the past because the mine would lie in their ancestral lands.

At this point the Senate Energy Committee is still taking the lead in assembling an omnibus based on both committee-passed bills and measures that have had a hearing. The Senate Environment and Public Works (EPW) Committee and the Senate Commerce Committee are also contributing bills that deal with lands.

No bill has been introduced but the measure will begin with 70 or so bills the Senate Energy Committee has approved, a committee staff member said. It may also include a dozen other committee bills that have been granted hearings. In addition the Senate EPW committee is expected to submit a dozen bills, the Senate Commerce Committee a few and the Senate Armed Services Committee one or more.

The Senate Energy Committee staff member was not optimistic the omnibus would reach the Senate floor before the 111<sup>th</sup> Congress ends. "The tax bill, the omnibus spending bill and the arms treaty with Russia have taken a lot of the oxygen out of the lame duck, combined with Republican promises to filibuster everything until we deal with President Bush's tax relief," he said.

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 candidate bills are these measures that would expand the National Park System:

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.

## **House okays 9-month SAFETEA extension; backers fear Mica**

The House approved a temporary spending bill December 8 (HR 3082) that would extend surface transportation spending through September 2011, at fiscal 2010 levels.

However, interest groups, alarmed that the new House Republican majority plans huge cuts in surface transportation next year, are quietly pushing for a two-year extension of the existing law, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU).

The Republicans' intentions are reportedly contained in a rough draft of a multi-year bill to replace SAFETEA-LU being prepared by incoming House Transportation Committee Chairman John Mica (R-Fla.) The draft would force surface transportation programs to operate only with revenues generated by the gasoline

tax, about \$35 billion per year. That is \$10-12 billion less than SAFETEA would provide.

The powers that be in the field - construction companies, the American Association of State Highway officials (AASHTO), and others - believe a two-year extension would provide significantly more money until the 2012 elections.

The interest groups "don't think there is any chance that the 112<sup>th</sup> Congress will support a multi-year surface transportation bill," said a recreation lobbyist who met with AASHTO officials last week. "They are starting to push a two-year extension of SAFETEA-LU."

An aide to Mica would not share his boss's plans with *FPR*, other than to say a draft bill may emerge "early next year."

One thing is clear - there will be less and less money available over the next two years for more and more surface transportation demands. And, among the very vulnerable is the transportation enhancements program.

Surface transportation spending could be saved by a significant increase in gasoline taxes. That is what a final report of a White House budget commission recommends. The National Commission on Fiscal Responsibility and Reform, cochaired by former Clinton White House aide Erskine Bowles and former Sen. Alan Simpson (R-Wyo.), December 3 called for a 15 cents per gallon hike, which would raise an estimated \$24 billion per year.

Mica immediately pierced that balloon, saying he would support no new gasoline taxes.

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.

Congress has been unable to move

a new surface transportation bill since SAFETEA-LU expired more than a year ago on Sept. 30, 2009. Congress has extended the old law until December 31 to provide time to write a new law, or a new extension.

The House subcommittee on Highways and Transit approved a six-year \$500 billion surface transportation bill on June 24, 2009. That measure included a marked emphasis on outdoor programs. The bill hasn't moved since.

## **Teton land exchange given preliminary Wyoming approval**

A proposal to transfer significant State of Wyoming inholdings to Grand Teton National Park took a significant step forward December 9 when the Wyoming Board of Land Commissioners approved the \$107 million buy-out.

Several steps must still be taken before the deal is consummated, beginning with approval of the state legislature. More ominous, the proposed agreement is contingent not only on new federal appropriations but also possible federal authorizing legislation.

Nevertheless, Wyoming Gov. Dave Freudenthal (D) and Interior Department officials are optimistic, perhaps because much of the money may come from a transfer of federal coal royalties to the state. And not require appropriations.

As we have frequently reported, Freudenthal and the Interior Department are attempting to close on an exchange that would send 1,366 acres of state school lands and 40 acres of state subsurface minerals within Teton National Park to the Park Service.

The state's asking price is \$107 million. That would begin with an allocation of \$22 million over the next three fiscal years (fiscal 2011-2013.)

Assistant Secretary of Interior for Fish and Wildlife and Parks Thomas L. Strickland laid down a Statement of Principles November 4 for the exchange/

sale based on months of negotiations between the department and the State of Wyoming.

On December 9 the Wyoming Board of Land Commissioners approved the Statement of Principles. Said Strickland in a statement, "This is an agreement in which everyone - the park, the state, and the citizens of Wyoming - comes out ahead." The Interior Department said the state inholdings had not generated much revenue for Wyoming over the years.

Freudenthal warned in a press conference, "(The agreement) is not perfect and it is obviously like everything in the government, it is subject to the availability of funds."

Still, he said, "(T)o have an agreement in principal, an agreement on the price, an agreement on the time schedule, and an agreement on the manner and means by which it would be transacted, I think, is a good step."

Strickland didn't say where the \$107 million would come from. In setting out the \$22 million in early payments he said (emphasis ours), "As an initial step, the Department will seek to have available *appropriated and other funds* totaling approximately \$22 million to be used in fiscal years 2011 through 2012 towards the phased acquisition."

Before the agreement was announced last week Freudenthal had been talking about a deal that would combine a down payment to the state from the Land and Water Conservation Fund, followed by a share of revenues from coal-lease bonuses. That way the feds would retain the coal leases and the state would simply receive an agreed to share of the lease bonuses. The feds are expected to sell about a dozen coal leases over the next 18 months.

## **Simple conservation easement extension in big tax bill**

The Senate and House at press time were near closure on a major tax bill (HR 4853) that would authorize a straightforward extension of a conserva-

tion easement law until the end of 2011. That is not the major expansion of the program sought by farmers and conservationists.

The Senate approved its version of HR 4853 December 15 by an 81-to-19 vote that essentially carries out an agreement between President Obama and Congressional leaders. House Democratic leaders, though, were talking about a slightly different version of HR 4853 at press time, so there is no guarantee the House and Senate will quickly reach a final agreement.

Advocates of a major expansion of the conservation easement were pretty much resigned to accepting a simple extension of the existing program, rather than an expansion. That was caused in part by Democratic anger at a provision in the tax package that would reduce inheritance taxes for the well off. Those Democrats are not likely to agree to a conservation easement provision that may also benefit the wealthy.

"The Democrats are so hopping mad about the estate tax that I'm afraid to talk to them about it," said Russ Shay, director of public policy for the Land Trust Alliance. Still, he said, "We did get an extension through 2010 and 2011 of the existing program and that provides a full year for donors to utilize the easements."

Conservationists and farmers had been asking Congress 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. That is the provision that would be extended by HR 4853 through December 2011.

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.) wrote the tax

bill that is best known for extending Bush administration income tax reductions.

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.), Mark 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."

The legislation is supported by a wide array of stakeholders, 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.)

## Most outdoor legislation appears to be dying on vine

With the end of a lame-duck session imminent, Congress has accomplished almost none of its outdoor agenda, leaving in the lurch legislation to insure conservation funding, to establish a new highway law, to set park overflight policy, to authorize dozens of lands bills, to authorize water resource projects and to revise wetlands permitting.

But House and Senate leaders may

address some of that legislation next week as they play chicken on Christmas Eve. However, most of the Congressional focus will be on completing appropriations bills. There is a precedent: In 2005 a divided Congress worked until three days before Christmas.

Receiving some attention is legislation that would authorize full funding for the Land and Water Conservation Fund (LWCF.) The House approved full funding as part of a comprehensive energy bill that addresses the Deepwater Horizon Gulf oil spill. And the Senate has before it several bills that would provide full funding, including a lead measure (S 2747) from Sen. Jeff Bingaman (D-N.M.)

Here's where Congress stands on outdoor issues that have a whisper of a chance in the lame duck:

**LWCF:** The House approved legislation (HR 3454) July 30 to provide full funding of \$900 million per year for LWCF. Bingaman introduced S 2747 Nov. 6. 2009.

**HIGHWAY LAW:** The old SAFETEA surface transportation law, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, expired Sept. 30, 2009, but Congress has kept it going with temporary extensions. On March 18 Congress extended SAFETEA until December 31 (PL 111-147.) On December 8 the House approved an extension of SAFETEA until the end of September in an omnibus spending continuous resolution (HR 3082). (*See related article page 5.*)

**NATIONAL PARK OVERFLIGHTS:** The appropriations CR approved by the House December 8 would extend all Federal Aviation Administration (FAA) programs through September, including Park Service overflight policy.

The House passed a new FAA authorization bill March 19, 2009; the Senate passed its bill March 22, 2010; and the two bodies are now negotiating the details of the measure.

The Senate bill contains new na-

tional park overflight provisions, developed by Sen. Ron Wyden (D-Ore.), that address the inability of NPS and FAA to complete any park air tour plans in the decade since Congress wrote the National Parks Air Tour Management Act of 2000 (PL 106-181 April 5, 2000.)

The provision would more clearly delineate the responsibilities of FAA and the Park Service in regulating overflights. According to some NPS officials and interest groups, disagreements between the two agencies have been partially responsible for the failure of the agencies to complete any air tour plans in the last decade.

The Senate also approved for its bill an amendment that would assess fees on air tour operators large enough to pay for air tour management plans. The amendment was sponsored by Sen. Tom Coburn (R-Okla.), frequently a critic of initiatives to expand the National Park Service. His amendment simply gives the Interior Department authority to assess a fee, with the amount to be "determined."

There are still a couple of sticking points that the House-Senate negotiators must overcome. One is a provision in the House bill that would make it easier for FedEx workers to unionize.

Another is a provision in the Senate bill that would allow longer-distance flights from Washington's Reagan National Airport.

**WETLANDS:** House Transportation Committee Chairman James Oberstar (D-Minn.) introduced this bill (HR 5088) April 21 that would make clear that most wetlands must receive Clean Water Act permits. But the measure has not moved since.

The Senate Environment and Public Works Committee June 18, 2009, approved a counterpart bill (S 787) introduced by Sen. Russell Feingold (D-Wis.) But it has moved no further.

Three ranking House committee Republicans asked for a delay in consideration of HR 5088 this summer in order

to assess "the effects that this bill will have on the economies of rural communities and the nation as a whole."

The letter was signed by ranking House Natural Resources Committee Republican Doc Hastings (Wash.), ranking House Agriculture Committee Republican Frank Lucas (Okla.) and ranking House Small Business Committee Republican Sam Graves (Mo.)

**WATER RESOURCE PROJECTS:** The House Transportation Committee approved a 2010 Water Resources Development Act bill (HR 5892) July 29, but the \$6 billion measure probably won't go anywhere because of Republican opposition.

House Republicans are by and large refusing to identify and set aside earmarks in the bill. The bill includes projects for only four Republicans. Also, given the federal budget woes, it's doubtful that Congress can gain approval for the 300 new projects.

## Hastings among new Republican chairmen in House for 112th

The House Republican conference selected committee chairmen last week, including Rep. Doc Hastings (R-Wash.) as the next head of the House Natural Resources Committee.

Hastings, currently ranking minority member of the committee, promised to monitor the Interior Department closely. "The Committee will also pursue strong oversight of the Administration's energy, environment and lands policies that cost American jobs, lock-up resources and increase federal spending," he said.

In this current Congress Hastings has largely deferred to Rep. Rob Bishop (R-Utah) for the lead in park and rec matters. Bishop is expected to chair the House subcommittee on National Parks, Forests and Public Lands, where he is currently ranking minority member.

However, Hastings has indicated in some private meetings that he may play a

more active role in setting committee park and rec policy next year.

In the one instance where Hastings has taken the lead on outdoor matters he introduced a bill (HR 4888) earlier this year to revise the fee system for cabin owners in national forests. The House committee approved the bill July 22.

The Republican conference did deal Hastings a major setback when it rejected his proposal to merge the energy functions of the energy committee with the energy functions of the House Energy and Commerce Committee, under his panel. That would have expanded his portfolio to include climate change and renewable energy programs.

The incoming chairman of the energy and commerce committee, Rep. Fred Upton (R-Mich.), objected to the Hastings plan and he won the day. Climate change will remain the responsibility of Upton's committee.

In other committees the Republican conference chose Rep. Harold Rogers (R-Ky.) to chair the House Appropriations Committee. Rogers has served on the committee since 1983. When appropriators sort out subcommittee chairmanships Rep. Mike Simpson (R-Idaho) is expected to head the appropriations subcommittee on Interior and related agencies.

The House Republicans also chose Rep. John Mica (R-Fla.) to chair the House Transportation Committee. Mica is already making headlines by refusing to go along with an increase in gasoline taxes to pay for surface transportation legislation. Instead Mica is reportedly working on legislation to sharply reduce transportation spending.

The transportation committee has responsibility for other outdoor programs such as overflights of the national parks and water resource projects for such things as the Everglades restoration.

Finally, the House Republicans chose Oklahoman Frank Lucas to lead the House Agriculture Committee.

## House, Senate consider Forest Service cabin fee extension

The House approved December 8 a cap on fees paid by cabin owners in the National Forest System as part of a fiscal year 2011 continuing resolution (CR).

The CR, effective for all of fiscal 2011, would not allow the Forest Service to increase the fees by more than 25 percent over the fiscal 2010 fee level.

In the Senate a new omnibus appropriations bill prepared by the Senate Appropriations Committee December 14 would do the same thing. The omnibus bill was nearing the Senate floor at press time.

So whether the House and Senate approve a House CR or a Senate omnibus bill in the next few days, the cap on cabin fees would be extended.

Still waiting in the wings is a separate fee bill (HR 4888, S 3929) that would establish a new system for establishing recreation residence payments. The House Natural Resources Committee approved the bill September 16, raising the possibility Congress will add the measure to an omnibus lands bill. That assumes Congress attempts to move an omnibus lands bill.

HR 4888 and S 3929 would substitute predictable tiers of fees for the existing system of periodic appraisals. The House measure, as approved by the House Natural Resources Committee July 22, would establish five levels of flat fees based on the value of cabins.

Under the House bill Tier one cabin owners would pay a fee of \$500 per year, tier two \$1,000, tier three \$2,000, tier 4 \$3,000 and tier 5 \$4,000. The legislation would also establish a flat transfer fee of \$1,000 plus five percent for sales between \$250,000 and \$500,000 and 10 percent on sale of more than \$500,000.

The Senate bill would establish nine tiers beginning at \$500 and in-

creasing by \$500 increments to \$4,500. The Forest Service would have three years to complete appraisals that would assign cabins to one of the nine tiers.

The legislation enjoys one great strength - bipartisan sponsorship. Two Democrats - Tester and Sen. Max Baucus (Mont.) - introduced the Senate bill along with two Republicans - Sens. John Barrasso (Colo.) and James E. Risch (Idaho.)

The House sponsorship is also bipartisan, led by House Natural Resources Committee ranking Republican Doc Hastings (Wash.) The 28 other sponsors include numerous House Natural Resources Committee Democrats.

The House appropriations CR (HR 3082) and the Senate money bill would simply extend the old system with the caveat that fees may not increase by more than 25 percent. Section 2723 would replace fiscal 2010 appropriations language that forbids fee increases of more than 25 percent in fiscal 2010 above fiscal 2009 levels by changing fiscal 2010 to fiscal 2011 and by changing fiscal 2009 to fiscal 2010.

## **Budget panel recommendations indirectly affect outdoors**

A final report of a White House budget commission is short on specific park and rec recommendations but long on general recommendations with implications for park and rec policy.

On the general side the report, endorsed by 11 of the 18 commissioners, calls for major across-the-board reductions in the size and cost of the federal workforce. By 2015 the commission would freeze federal salaries and save \$15 billion that year.

By replacing just two out of three federal government positions that become 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.

It is not clear what happens next

to the commission following a December 3 meeting. Under an executive order from President Obama the commission needed 14 votes to be formally reported. Still the recommendations are in play for the next Congress.

While most Senate members of the commission voted for the report, most House members did not, suggesting the recommendations would have tough sledding in the House, if they were they put in legislative form.

The report of the National Commission on Fiscal Responsibility and Reform, cochaired by former Clinton White House aide Erskine Bowles and former Sen. Alan Simpson (R-Wyo.), is available at <http://www.fiscalcommission.gov/>.

Of the six senators who were members of the commission only Sen. Max Baucus (D-Mont.) voted against. Sens. Sen. Tom Coburn (R-Okla.), Kent Conrad (D-N.D.), Mike Crapo (R-Idaho), Richard Durbin (D-Ill.) and Judd Gregg (R-N.H.) voted for the report.

The opposite trend prevailed among House members where only one, Rep. John Spratt (D-S.C.), voted for the report, and Spratt won't be back next year because he was defeated in the November 2 elections. These five House members voted against: Reps. Xavier Becerra (D-Calif.), Dave Camp (R-Mich.), Jeb Hensarling (R-Texas), Paul Ryan (R-Wis.) and Jan Schakowsky (D-Ill.)

Central to the commission's recommendations is a demand for reduced domestic discretionary spending. Although the panel anticipates an increased workload for federal land management agencies over the next five years, it also projects a drastically-reduced budget to pay for it.

In specific areas of the report:

**GASOLINE TAXES:** The commission calls for a 15 cents per gallon increase in the gasoline tax that would raise \$24 billion per year for the Highway Trust Fund. House Transportation Committee Chairman John Mica (R-Fla.) immediately pierced that balloon, saying he would

support no new taxes, including gas taxes.

However, 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.

In fact they proposed a 25 cents increase in the gasoline tax, instead of 10 cents, to be phased in over the next three years. The senators said the tax would raise \$200 billion over five years. They recommended that \$117 billion (or 15 cents per gallon) be dedicated to the highway fund, and \$83 billion (or 10 cents per gallon) go for deficit reduction.

**FIRE FIGHTING:** In a confusing paragraph on reducing fire-fighting costs, the committee repeatedly complains about duplications of effort between a Forest Service fire-fighting program and an Interior Department fire-fighting program. But instead of recommending a merger of the two agencies the report simply recommends the agencies "develop clear cost containment plans" to save \$400 million per year.

**LAND SALES:** This is not the old Sagebrush Rebellion proposal to dispose of federal lands through sale or transfer to the states. It is more of a call to sell off government buildings. Still, the report says, "Currently, federal agencies operate and maintain more real property assets than necessary, often raising costs to the taxpayer. In light of this, the President signed a Memorandum in FY2010 directing agencies to accelerate efforts to remove excess and surplus property for a savings of \$8 billion by FY2012."

**LAND ACQUISITION:** The report itself does not mention land acquisition, but a list of "Illustrated Savings" accompanying a draft committee report does. The attachment repeats an argument frequently advanced by western Republicans: If the government can't maintain the land it now manages, it shouldn't be buying more land. So the

attachment recommended Congress reduce the fiscal 2011 appropriation from a requested \$619 million to \$300 million.

"The federal government already owns 650 million acres that it has struggled to maintain," says the draft report. "So while we continue to experience a maintenance backlog between \$13.2 and \$19.4 billion, Congress is seeking to acquire even more land. By not funding this account until the maintenance backlog has been decreased less than \$1 billion, the federal government will save just under \$300 million each year."

There are several other reports circulating that parallel the Bowles-Simpson effort. For instance a Debt Reduction Task Force sponsored by a Bipartisan Policy Center established by four former senators issued a final report November 16 and listed several public lands programs as candidates for attack. The task force mentioned, but did not recommend, proposals for higher fees for grazing and mining and lower appropriations for below-cost timber sales.

More broadly, the Debt Reduction Task Force, cochaired by former Sen. Pete Domenici (R-N.M.) and former director of the Office of Management and Budget Alice Rivlin, said federal agencies could be asked to recover more costs.

## Notes

**Possible world heritage sites aired.** The Interior Department set the ball rolling December 14 toward the possible nomination to the World Heritage List of 13 cultural and natural sites in the United States. On behalf of the department the Park Service asked for public comment on the advisability of recommending the 13 sites for inclusion on the list managed by the United Nations Educational, Scientific and Cultural Organization (UNESCO). The 13 sites were on a tentative list that the Interior Department identified on Jan. 24, 2008. The department is now considering the advisability of recommending

World Heritage List status for the sites. After the public comment period the owner or owners of potential sites may submit to NPS documentation on the nominations by July 15, 2011, with final submittal to UNESCO on Jan. 30, 2012. The World Heritage Convention would then consider the nominations in the summer of 2013. The nine cultural sites are the Civil Rights Movement Sites, Alabama; Dayton Aviation Sites, Ohio; Hopewell Ceremonial Earthworks, Ohio; Jefferson (Thomas) Buildings, Virginia; Mount Vernon, Virginia; San Antonio Franciscan Missions, Texas; Serpent Mound, Ohio; and Wright (Frank Lloyd) Buildings. The four natural sites are Fagatele Bay National Marine Sanctuary, American Samoa; Okefenokee National Wildlife Refuge, Georgia; Petrified Forest National Park, Arizona; and White Sands National Monument, New Mexico. Comment by January 14 to: *Jonathan Putnam, Office of International Affairs, National Park Service, 1201 Eye Street, N.W. (0050), Washington, D.C. 20005. E-mail to: [jonathan\\_putnam@nps.gov](mailto:jonathan_putnam@nps.gov). Fax 202-371-1446.*

#### **Florida to add Big Cypress land.**

A State of Florida board last week approved the transfer of 29,000 acres of state land to the Big Cypress National Preserve. The transfer would consummate a state commitment since 1974 to add the state land to the preserve. The federal government will pay the state \$4 million for the land. The state is evaluating the transfer of another 10,000 acres. The transfer decision was taken by something called the Florida Board of Trustees of the Internal Improvement Trust Fund, which includes Gov. Charlie Crist (R). The trust had considered approval of the transfer in September but wanted to see if the Park Service provided recreational access in a Big Cypress Addition land management plan. That plan, completed November 24, 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; the plan calls for more than 47,000 acres of wilderness recommendation to Congress. The Addition lands were donated to the

Park Service in 1988 by the state. NPS intends to complete a record of decision soon to carry out the plan. The Big Cypress covers 720,000 acres of South Florida swampland and borders the Everglades.

#### **Yellowstone opens to snowmobiles.**

Yellowstone National Park opened some of its roads to snowmobile use on schedule December 15 for the last year under a controversial interim plan. Other roads will be opened Wednesday, December 22. By next winter the Park Service will make another attempt to complete a permanent rule to govern snowmobile use in Yellowstone. The previous three rules were thrown out by various courts, forcing NPS to issue temporary rules. The temporary rule now in effect allows up to 318 commercially-guided snowmobiles per day and up to 78 commercially-guided snowcoaches per day in the park. In late July the park outlined six alternatives that it will consider in a draft EIS for snowmobile use in the park, beginning with the winter of 2011-2012. The draft EIS is due out next February or March. This winter's temporary rule is among the tentative six alternatives, as is an alternative that would return to a 2004 plan with limits of up to 720 snowmobiles and 78 snowcoaches per day. Another alternative would eliminate both snowcoaches and snowmobiles.

#### **DoI to reorganize IT operations.**

The Interior Department said December 9 it will consolidate its information technology (IT) operations, creating one chief information officer. That officer will replace dozens of such officers who are now scattered throughout the department. As part of the reorganization the department anticipates it will reduce technology staff with some personnel redirected to other positions and some positions closed through attrition. The department says it will use savings from the reorganization to pay for itself. It projects a savings of \$100 million per year from 2016 to 2020, or a total of \$500 million.

**New York, meet New York.** Advocacy groups are recommending that the State of New York adopt a Montana model and use automobile registration revenues to

keep state parks open and in a good state of repairs. Separately, the City of New York last week proposed a doubling of administrative fees in the city's 32 recreation centers and an increase in fees for active recreation facilities, such as ball fields. Both the state and the city are driven by the same lack of government money that is leading to the proposed closure of parks and recreation areas and the deferral of maintenance on the facilities. The state registration fee is being recommended by the Alliance for New York State Parks and Parks & Trails New York. The conservationists said an automobile registration fee and/or a deposit on grocery bags could provide \$1 billion over the next decade for the park system. State of Montana parks have survived the economic downturn relatively well with revenue from a \$4 fee on vehicle registration. However, voters in California in November rejected a proposal (Proposition 21) to establish an \$18 per car registration fee that would have raised about \$500 million per year for the state's parks. Anti-tax groups led the attack. The higher fees for New York City recreation centers would produce a far more modest increase in revenues, just \$4 million per year. The proposal from Mayor Michael R. Bloomberg would increase fees at recreation centers with pools from \$75 to \$150 and for centers without pools from \$50 to \$100.

**Dan Ashe chosen to head FWS.** Dan Ashe, currently the deputy director of the Fish and Wildlife Service (FWS), has been nominated by the Obama administration as the next director of FWS. The Senate must confirm the nomination. Ashe has been a senior manager of FWS for the last 15 years, including a stint from 1998 to 2003 as chief of the National Wildlife Refuge System. Rowan Gould is serving as acting director following the February 2009 death of former director Sam Hamilton. Another former FWS director, Dale Hall, chief executive officer of Ducks Unlimited, had this to say of the selection of Ashe, "Dan is a strong supporter of the wildlife resource. Ducks Unlimited looks forward to working with him as the next director of our important partners in the Fish and Wildlife Service."

**NACD urges farmland support.** The National Association of Conservation Districts (NACD) December 10 asked the Senate Appropriations Committee not to reduce funding for conservation programs in the 2008 Farm Bill. Said Steve Robinson, NACD president in a letter to committee chairman Daniel K. Inouye and ranking Republican Thad Cochran (Miss.), "The conservation programs in the 2008 Farm Bill provide critical assistance to farmers, ranchers and forest landowners to address local natural resource concerns. Applied conservation on the nation's farms, ranches and private forestlands provides clean water, healthy, productive soils and wildlife habitat, and other important public benefits that should not be lost." Like all other federal spending the conservation programs are threatened by imminent budget cuts.

**Clinton home gets designation.** President Clinton's boyhood home became a National Historic Site December 14 with the formal transfer of the deed to the home to the National Park Service. Secretary of Interior Ken Salazar announced the designation of the home located in Hope, Ark. Clinton spent his early years in Hope. Congress had passed legislation authorizing the site last year and President Obama signed it into law on March 30, 2009. But the site couldn't be officially designated until the land was transferred to the federal government.

**OHVers seek lawsuit rights.** An alliance of off-highway vehicle (OHV) users is asking the Ninth U.S. Circuit Court of Appeals for the right to intervene in environmental litigation. The Ninth Circuit employs a Federal Defendant Rule that does not allow outside groups to intervene when the federal government is sued over environment laws. The Ninth Circuit says only the federal defendant can participate in such a lawsuit. The BlueRibbon Coalition, the Motorcycle Industry Council and the Specialty Vehicle Institute of America asked the Ninth Circuit to allow them to intervene in a lawsuit brought by environmentalists asking for greater restrictions on OHVs in the Sawtooth National Forest in Idaho.

## Boxscore of Legislation

<u>LEGISLATION</u>	<u>STATUS</u>	<u>COMMENT</u>
<b>Appropriations 2011 CR Omnibus</b>		
HR 3082 (Edwards)	House approved December 8.	Would extend FY 2010 spending levels throughout FY 2011 for 12 separate appropriations bills.
<b>Appropriations 2011 (Interior)</b>		
No bill number yet	House subcommittee approved July 22.	Would roughly maintain FY 2010 spending with some increase for LWCF.
<b>Appropriations fiscal 2011 (Energy and water)</b>		
No House bill yet	House subcommittee approved July 15.	Would roughly maintain FY 2010 spending.
S 3635 (Dorgan)	Senate committee approved July 22.	
<b>Appropriations fiscal 2011 (Agriculture)</b>		
No bill number yet	House subcommittee approved June 30.	Would reduce spending somewhat compared to FY 2010.
S 3606 (Kohl)	Senate committee approved July 15.	
<b>Appropriations fiscal 2011 (Transportation)</b>		
HR 5850 (Olver)	House approved July 29.	House would increase spending somewhat, Senate would maintain status quo.
S 3644 (Murray)	Senate committee approved July 22.	
<b>Appropriations Stimulus</b>		
HR 1 (Obey)	President Obama signed into law Feb. 17, 2009, as PL 111-5.	Allocates some \$4 billion to federal land management agencies to help revive the economy.
<b>LWCF revival</b>		
HR 3534 (Rahall)	House approved July 30.	All would guarantee full funding of \$900M per year. All depend on energy legislation.
S 2747 (Bingaman)	Bingaman put in Nov. 6, 2009.	
S 3663 (Reid)	Reid introduced July 28.	
<b>UPAR revival</b>		
HR 3734 (Sires)	Sires introduced Oct. 6, 2009.	Would establish \$445 million urban park grant program in HUD.
<b>Omnibus Lands Bill</b>		
S 22 (Bingaman)	President signed into law March 30, 2009, as PL 111-11.	Includes 160+ individual bills, including NLCS, new national parks.
HR 146 (Holt)		
<b>National Landscape Conservation System</b>		
HR 404 (Grijalva)	Included in omnibus law	Gives NLCS official designation by Congress.
S 22 (previous item)	(previous item.)	
<b>California Desert protection</b>		
S 2921 (Feinstein)	Senate committee hearing May 20.	Would establish monument to protect 1 million acres of BLM-managed desert.
<b>Grand Canyon withdrawal</b>		
HR 644 (Grijalva)	House subcommittee hearing July 21, 2009.	Would withdraw 1 million acres of federal land near Grand Canyon NP to prevent uranium mining.
<b>Surface Transportation</b>		
HR 1329 (Blumenauer)	Blumenauer put in March 5, 2009.	Blumenauer would establish a piece of a surface transportation law with climate change money. Rockefeller would establish broad goals for law. Oberstar would extend outdoor programs for six years.
S 575 (Carper)	Carper put in March 11, 2009.	
S 1036 (Rockefeller)	Rockefeller put in May 12, 2009.	
Unnumbered (Oberstar)	House subcommittee approved Oberstar bill June 24, 2009.	
<b>FLREA (rec fee law) repeal</b>		
S 868 (Baucus)	Baucus introduced April 22, 2009.	Would repeal the comprehensive federal rec fee law.
<b>Fire suppression</b>		
HR 1404 (Rahall)	Included in Interior money bill above.	Establishes an emergency fire-fighting fund to limit agency borrowing.
S 561 (Bingaman)		
<b>Ski area uses</b>		
S 607 (M. Udall)	Udall introduced March 17,	Would specify that ski resorts on