

FEDERAL PARKS & RECREATION BULLETIN #3: April 7, 2008

Dear Subscriber:

The following bulletin from Federal Parks & Recreation newsletter reports on the following:

- \* SENATORS FROM BOTH PARTIES INTRODUCE CENTENNIAL CHALLENGE BILL
- \* HOUSE APPROPRIATORS EAGER TO MOVE FY DOI MONEY 2009 BILL, DESPITE PROBLEMS
- \* NLCS DUE UP ON HOUSE FLOOR THIS WEEK; IS OPPOSITION
- \* SENATE SCHEDULED TO VOTE TUESDAY ON ENDING OMNIBUS BILL FILIBUSTER

NOTE: This bulletin is a supplement to your regular edition of Federal Parks & Recreation. It is NOT your regular issue. The next issue will be published April 11.

The Editors

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SENATORS INTRODUCE NPS CENTENNIAL BILL; OCS REVENUES PROVIDE OFFSET

Congress is moving fairly rapidly on two fronts to produce a \$2 billion Centennial Challenge Fund to upgrade the National Park System over the next decade.

Five senators teamed up to introduce a Senate bill (S 2817) April 3. In a possible major breakthrough the bill would rely primarily on Outer Continental Shelf oil and gas revenues to establish a \$100 million per year fund (to be matched by \$100 million in nonfederal matching grants.) Sen. Ken Salazar (D-Colo.) is the lead sponsor. Two other Democrats and two Republicans joined him.

Separately, the House Natural Resources Committee may mark up as soon as this week a counterpart bill (HR 3094), but without a source of revenue. Supporters believe the Congressional budget will allow the committee to avoid a House rule that would require an offset of \$100 million per year from committee programs. The House-passed budget (H Res 312) would authorize the committee to use any revenues or cost-savings they could find, not just from the committee's jurisdiction.

Program supporters hope the Senate and House will move their bills concurrently, rather than wait for the other to go first, as is often the case. "We're trying to get both to move," said Derrick Crandall, president of the American Recreation Coalition, and a major supporter of the Centennial Challenge.

Conservationists and state and local officials have been down the offshore oil and gas royalty road before with the Land and Water Conservation Fund (LWCF.) OCS royalties are supposed to provide a guaranteed \$900 million per year to the program, but LWCF is lucky to receive more than \$100 million. So program supporters will focus on securing a guaranteed budget set-aside.

Senate sponsors of S 2817 include Sens. Susan Collins (R-Me.), Max Baucus (D-Mont), Norm Coleman (R-Minn.) and John Tester (D-Mont.) The Senate Energy Committee schedule is set for April so a hearing on S 2817 couldn't be held until May. However, the committee did hold an introductory hearing on Aug. 2, 2007.

The Senate bill follows a draft bill that has been circulating for several months in the House Natural Resources Committee. Based on a House Democratic bill (HR 3094) and the recommendations interest groups, S 2817 would:

- broadly define partnerships that could participate in projects,
- set limits on how much money could be allocated to specific activities such as capital improvement (with a 30 percent cap on construction),
- authorize multi-park and national projects,
- encourage recreation use in parks within limits,
- authorize use of the money for land acquisition,
- allow concessioners to serve as partners, and
- insure that trails are eligible for Challenge money.

S 2837 would kick in during this fiscal year 2008, but revenues would not be available for allocation until after fiscal 2009 begins October 1. Congress has already appropriated \$25 million for Challenge projects for fiscal year 2008 to jump-start the program. Promises of nonfederal contributions top \$300 million, according to Secretary of Interior Dirk Kempthorne, the putative father of the Centennial Challenge idea.

Salazar also opened the way for grants to small National Park System units when he said, "Non-federal philanthropic participation is encouraged, but not required, for a project to be executed with federal money from the Centennial Fund." Thus small parks without well-heeled friends to provide matches could still obtain project money.

Finally, Salazar explained how OCS royalties for the Centennial would be derived from "unanticipated" revenues. "In 2008, off-shore oil and gas lease sales have already generated more than \$4 billion in revenue above Department of Interior projections," he said. "Rather than returning all these revenues - which were generated from the depletion of a natural resource - to the federal treasury, the National Park Centennial Fund Act reinvests up to \$1 billion in the Centennial Fund and the permanent protection of our national treasures."

Some 90 percent of the federal Centennial Challenge contribution would come from OCS royalties. A special postal stamp that would cost more than a conventional stamp would bring in as much as \$10 million per year.

NPCA President Tom Kiernan lauded the five senators, saying, "Future generations will remember the leadership and foresight of this bipartisan group of senators, who so clearly share the love affair that the American people have with the national parks. Everyone whose park experiences in the future are made better than they might have been will have these Senators to thank."

The Bush administration came up with the idea of the Challenge program, led by Kempthorne. It is part of a \$3 billion, \$300 million per year Centennial Initiative designed to upgrade the National Park System for its Centennial in 2016. In addition to the \$200 million per year in Centennial Challenge money for noncore operations the program calls on Congress to appropriate \$100 million per year to improve core operations. In the current fiscal year, 2008, Congress complied. The administration has requested another bonus appropriation for NPS operations in fiscal 2009.

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#### APPROPRIATIONS GRIDLOCK LIKELY; BUT DOI BILL MAY BEGIN TO MOVE

A stalemated Congress is expected to simply extend domestic fiscal year 2008 appropriations bills through fiscal 2009, with modifications. Still, House Appropriations Committee leaders intend to write an Interior and related agencies bill, just in case.

"Mr. Dicks is committed to be one of the first to mark up a bill and to do it in early May," an appropriations committee staff member told us. Dicks is Rep. Norman Dicks (D-Wash.), chairman of the House subcommittee on Interior and related agencies.

Dicks's office confirmed that the Congressman intends to prepare a bill shortly. "Anytime in early May would be his preference," said a spokesman for the Congressman. But the spokesman said appropriators must first translate the Congressional budget into a spending cap for the Interior subcommittee before Dicks can proceed. After the caps are set Dicks and committee chairman David Obey (D-Wis.) would then make an all-out effort to push a bill through the House.

Dicks and Obey are also expected to fight to obtain a spending cap for the Interior bill that approximates a fiscal 2008 bill, rather than accept the \$1 billion reduction sought by the Bush administration.

Even if Dicks and Obey managed to move a fiscal 2009 money bill through the House, it might not make any difference. The real hurdle in Congress is the Senate where the filibuster requires the majority to line up 60 votes, a near impossibility.

So in the end Congress may end up doing what more and more observers are predicting: It will simply extend a fiscal 2008 appropriations bill through fiscal 2009. That would undoubtedly help most programs in the Interior bill because the Bush administration has requested \$1 billion less for fiscal 2009 than the \$26.6 billion a final fiscal 2008 appropriations bill allocates.

If Congress does extend a fiscal 2008 appropriations law into fiscal, compared to the Bush administration budget request it would reduce spending substantially for Park Service operations and maintenance but would provide a boon to most other programs.

The following programs would receive more revenues from extending a fiscal 2008 appropriations law than from the administration budget: NPS construction, NPS Rec and Pres, national forest recreation, national forest trails, BLM recreation, the Corps of Engineers, state side of LWCF, fed side of LWCF, Historic Preservation Fund grants, Save America's Treasures, and national heritage area grants, to name a few

(We'll provide details on the impact of an extension program-by-program in the next issue.)

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NLCS ON SENATE FLOOR THIS WEEK; SENATE ACTION IN THE WINGS

The full House is scheduled to take up this week legislation (HR 2016) to establish a 26 million-acre National Landscape Conservation System (NLCS) managed by the Bureau of Land Management (BLM.) The bill could come up as early as Tuesday.

Private property rights advocates and their environmentalist counterparts are sending out red alerts to their members to oppose and support the bill respectively.

The American Land Rights Association (ALRA), advocates of property rights, complained that the legislation would produce Park Service like regulation on BLM lands. "HR 2016 will essentially place a National Park like regulatory overlay over the top of 26 million BLM acres," said the association. ALRA told its troops, "You must overwhelm the office of your Congressman because he or she gets so many calls, faxes and e-mails."

The Wilderness Society posted an alert April 4 to its members in favor of the bill. "Your help will insure that these culturally and biologically diverse landscapes receive the attention they deserve and become our newest legacy to future generations," the society said.

Meanwhile, a Senate counterpart bill (S 1139) is waiting for action on the floor, but with one big difference - Sen. Dianne Feinstein (D-Calif.) is preparing an amendment to expand the system to 32 million acres. Feinstein intends to add the entire California Desert Conservation Area (CDCA) to the bill and make it a unit of the NLCS. Some four million acres of the CDCA are in the bill but Feinstein would add another six million acres, as FPR reported in the last issue.

The Senate Energy Committee approved the NLCS bill (S 1139) on May 23, 2007. Like all committee bills it has been subject to a "hold" by an unidentified Republican senator, assumed to be Sen. Tom Coburn (R-Okla.)

Controversy erupted around the House NLCS bill when the House Natural Resources Committee took up HR 2016 March 12. Although the committee approved the bill by a 24-to-13 vote, committee Republicans led by Rep. Rob Bishop (R-Utah) put up a fight. They argued that HR 2016 goes far beyond a simple confirmation of the NLCS system that was created by administrative fiat. They said the bill could lead to restrictions on the management of NLCS akin to restrictions on uses in national parks.

But the chief sponsor of the House bill, Rep. Raúl Grijalva (D-N.M.), said the bill does not threaten BLM lands with NPS-style limitations.

The entire California Desert Conservation Area was not included in S 1139 and HR 2016 because portions of it don't come under the definition of a "national" system, such as a monument or a wilderness study area.

However, units of the CDCA that make up about 3.7 million acres of the 11 million-acre area - the King Range National Conservation Area, the Headwaters Forest Reserve and the Santa Rosa and San Jacinto Mountains National Monument - are included in the NLCS bill.

In June 2000 the Interior Department under then Secretary of Interior Bruce Babbitt established the 26 million-acre NLCS in BLM to protect special areas. The NLCS consists of major conservation areas in 12 western states, including 15 national monuments, 13 national conservation areas, a Steens Mountain management area in Oregon, a Headwaters Forest Reserve in northern California, 36 wild and scenic rivers, 148 wilderness areas, 4,264 miles of national trails, and more than 600 wilderness study areas.

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SENATE SCHEDULES TEST VOTE ON OMNIBUS BILL FOR TUESDAY

The Senate plans to vote Tuesday on ending a filibuster that has prevented consideration of a far-reaching bill (S 2739) that includes dozens of park and recreation measures.

S 2739 counts more than 60 individual bills the House has approved and the Senate committee has approved. Thus, if the Senate signs off on S 2739, the measure is virtually assured of final passage, subject to some last-second tinkering.

The legislation has been held up for most of a year by "holds" placed by Sen. Tom Coburn (R-Okla.) He reportedly objects to any legislation that would come with a price tag and require additional spending.

But Senate Majority Leader Harry Reid (D-Nev.) and Democratic leaders have decided to proceed with S 2739 and attempt to break Coburn's holds by summoning the needed 60 votes to effectively end a filibuster. If the filibuster is defeated, the Democrats have agreed to allow Coburn to introduce five amendments. On April 3 Coburn introduced five bills that he may offer as amendments.

The Coburn bills would do such things as require federal agencies to obtain the concurrence of private property owners in land acquisitions and order agencies to identify how much land the federal government owns.

Private property rights advocates who have the ear of powerful western senators are up in arms. They are particularly annoyed that committee leaders this month added to S 2739 a bill they despise that was not in previous omnibus measures - legislation to authorize a Rim of the Valley study in California. Although the committee has not approved the Rim of the Valley bill (S 1053) this year, it has approved the measure the last three years.

The Rim of the Valley bill would authorize a study of the possible addition of 500,000 acres to the Santa Monica Mountains National Recreation Area (SMMNRA.) Critics contend that the launch of a study almost guarantees a positive recommendation for additions by the Park Service followed by Congressional approval of an SMMNRA expansion. And that could cost billions of dollars, the critics maintain.

S 2739 would, among other things, designate a Journey Through Hallowed Ground National Heritage Area (NHA) in Pennsylvania, Maryland, West Virginia and Virginia; designate an Abraham Lincoln NHA in Illinois; designate a Niagara Falls NHA in New York; designate a Star Spangled Banner National Historic Trail in Mid-Atlantic States; designate an Eightmile Wild and Scenic River in Connecticut; and authorize a miscellany of boundary adjustments, studies, commissions and land conveyances.

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