

FEDERAL PARKS & RECREATION BULLETIN #10: December 20, 2007

Dear Subscriber:

This is a bulletin from Federal Parks & Recreation newsletter that reports on the following:

- * CONGRESS APPROVES MORE OUTDOOR MONEY THAN BUSH WANTED
- * NPS CENTENNIAL MAKES IT INTO APPROPRIATIONS BILL
- * SENATE APPROVES FARM BILL, REJECTS AMENDMENT TO LIMIT PARK USE OF FARMS

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 January 11.

The Editors

CONGRESS COMPLETES MONEY BILLS THAT EXCEED BUSH OUTDOOR REQUESTS

Congress this week gave in to President Bush's demands and completed a fiscal year 2008 appropriations bill (HR 2764) that maintains total domestic spending at roughly fiscal 2007 levels.

But within that one overall cap, the Democratic Congress ignored the President's priorities and shifted money around as it saw fit. It did meet the administration's request for money to begin a \$3 billion Centennial Initiative that would renovate the National Park System for its 100th anniversary in 2016. (See following article.)

The House approved an initial version of HR 2764 December 17. The Senate added Iraq war money to HR 2764 December 18. The House then gave final approval to the Senate version December 19. President Bush is expected to sign the measure.

For major park and rec programs HR 2764 provides the following (the amounts included herein do not include a 1.56 percent across-the-board deduction Congress applied to the entire bill):

- * an appropriation for PARK SERVICE OPERATIONS of \$2.002 billion, or \$55.3 million below the administration request of \$2.057 billion (includes operations maintenance),

- * an appropriation for the STATE SIDE OF LWCF (the Land and Water Conservation Fund) of \$25 million, or \$25 million above the administration request of no money,

- * an appropriation for the FEDERAL SIDE OF LWCF of \$131.8 million, or \$74.6 million above the administration request of \$57.2 million,

- * an appropriation for FOREST SERVICE RECREATION of \$266.8 million, or \$35.4 million above the administration request of \$231.4 million,

- * an appropriation for FOREST SERVICE TRAILS of \$77.6 million, or \$11.1 million above the administration request of \$66.4 million,

- * an appropriation for FOREST LEGACY GRANTS of \$53.1 million, or \$23.8 million above the administration request of \$29.3 million,

- * an appropriation for STATE AND INDIAN WILDLIFE grants administered by the Fish and Wildlife Service of \$75 million, or \$5.5 million above the administration recommendation of \$69.5 million,

* an appropriation for the MANAGEMENT OF WILDLIFE REFUGES by the Fish and Wildlife Service of \$441 million, or \$46 million above the administration recommendation of \$395 million, and

* a total appropriation for the CORPS OF ENGINEERS of \$5.6 billion, or \$700 million more than an administration request of \$4.9 billion.

The breakthrough in the impasse came last week when Senate Majority Leader Harry Reid (D-Nev.) and Speaker of the House Nancy Pelosi (D-Calif.) made their least bad choice. They had to choose between a continued battle with the President that risked shutting down the federal government and disappointing their constituencies by acquiescing to the President's budget demands.

Reid and Pelosi chose to meet the President's bottom line budget demand and gave up on \$22 billion in domestic increases. At the same time they frequently ignored the President's spending priorities and substituted their own priorities within the President's cap. And they added selective riders to HR 2764.

Americans for Responsible Recreational Access (ARRA), which represents recreation users, praised Congress for increasing the Forest Service recreation and trails accounts. "(ARRA) applauds Congress for keeping its commitment to recreation by increasing funding for these programs despite a difficult budget situation," said ARRA Executive Director Larry Smith.

Congress took the following actions on riders approved by either the House or Senate in various appropriations bills in HR 2764:

* YELLOWSTONE SNOWMOBILES: Did NOT include a provision approved by the Senate Appropriations Committee that would have directed the Park Service to maintain snowmobile use at existing ceilings for the coming winter in Yellowstone National Park. (A report accompanying HR 2764 acknowledges lawsuits against NPS's regulations that allow use, but said the lawsuits don't address this limits.)

* TRANSPORTATION ENHANCEMENTS: Did NOT include a provision approved by the House that would have required states to treat transportation enhancements equally when rescinding past allocations.

A conference report accompanying HR 2764 tells the Federal Highway Administration "to administer the rescission by allowing each State maximum flexibility in making adjustments among the apportioned highway programs, as proposed by the Senate. The House had proposed to apply the rescission proportionally to each highway program, including funds set aside for transportation enhancements and within the state for population areas."

* CHANNEL ISLANDS: DID include an order to the Park Service to proceed with a program to remove non-native elk and deer from Santa Rosa Island in Channels Islands National Park.

Sen. Dianne Feinstein (D-Calif.), who sponsored the provision, said, "This marks the end to a long battle over Santa Rosa Island. The language included in this year's omnibus package will ensure that the court-approved settlement (to remove the elk and deer) will be carried out and the public will have full, year-round access to the island by 2011." The provision repeals a previous law sponsored by Rep. Duncan Hunter (R-Calif.) that protected the deer and elk for sport hunters.

The Vail family that holds a hunting lease through 2011 on Santa Rosa said in a statement, "It is unfortunate that Senator Feinstein and her colleagues

would leverage their power to eradicate these healthy and magnificent herds. Instead of giving park visitors and the American public an open process, they acted in the dark of night to insert a legislative rider that is in violation of the House and Senate rules which were enacted earlier this year."

* NORTH DAKOTA FORESTS: DID include direction to the Forest Service to sell 5,200 acres of National Forest System land in Billings County, N.D., to complete an agreement that led to the acquisition of a 5,200-acre Elkhorn Ranch.

* COMPETITIVE SOURCING: DID include direction to the Forest Service NOT to conduct any competitive sourcing work in fiscal 2008.

When enacted, HR 2764 will conclude a year of battles between Congress and the President over domestic spending. By shifting money among departments Congress managed to provide significant spending increases for an Interior bill, an Energy and Water bill, and a Transportation bill.

For an Interior and related agencies appropriations bill the House in its version of an Interior bill wanted to hike spending over the President's request by \$2 billion. In the end HR 2764 would increase spending for the Interior bill by \$1.2 billion over the administration's request, providing \$26.9 billion compared to a request of \$25.7 billion.

For an Energy and Water appropriations bill HR 2764 exceeds the President's request by \$1.4 billion, providing \$31.9 billion compared to a request of \$30.5 billion.

For a Transportation appropriations bill HR 2764 exceeds the President's request by \$1.1 billion, providing \$49.1 billion compared to a request of \$48 billion.

CONGRESS INCLUDES \$125 M BOOST FOR NPS CENTENNIAL INITIATIVE

Despite greatly reduced spending ceilings, Congress managed to include a major down payment on a Park Service Centennial Challenge program in a comprehensive spending bill (HR 2764) this week.

Congress met a Bush administration request for an extra \$100 million for core Park Service operations in fiscal 2008 designed to complement the challenge program. And it provided \$25 million (to be matched by \$25 million in non-federal contributions) to launch a Centennial Challenge program for non-core initiatives.

The appropriators said they anticipate the House Natural Resources Committee will complete legislation next year to establish a permanent, 10-year Challenge program. That legislation would provide detailed recommendations on how partnership grants will be handled, such as insuring that small parks without wealthy "friends" groups get a piece of the pie.

For now Congress in a report accompanying HR 2764 directed NPS to use existing policy to administer the \$25 million matching grant program. Congress did say that "the Park Service should be aggressive in structuring its partnership agreements to avoid projects which commercialize the parks and ensure that projects are chosen through a transparent and completely apolitical process."

The National Parks Conservation Association (NPCA) praised Congress for providing the Centennial money. "This is an exciting and important step toward

restoring the national parks by their centennial," said NPCA President Thomas C. Kiernan in a statement, "and is a result of Congress and the administration recognizing that taking care of our national parks should be a national priority."

Three different Centennial Challenge bills will be held over for the next Congress to wrestle with.

An initial bill from the Interior Department (S 1253, HR 2959) would pay for the Centennial Challenge with \$100 million per year in guaranteed off-budget funding matched by up to \$100 million per year in contributions from nonfederal partners.

Subsequently House Natural Resources Committee chairman Nick Joe Rahall (D-W.Va.) and subcommittee on National Parks chairman Raúl Grijalva (D-Ariz.) introduced a second bill, HR 3094, that would finance the program from up to \$100 million per year in fees charged by Interior Department agencies to commercial users and lessees of federal lands. Rahall and Grijalva did not address partner contributions.

The third bill is a variation on HR 3094 and was developed by House Democratic staff members based on recommendations from a broad alliance of interest groups operating as the National Park Centennial Network.

When Congressional leaders were putting together HR 2764 this month Secretary of Interior Dirk Kempthorne and the National Park Centennial Network reportedly asked appropriators to add a truncated version of the Centennial Challenge bill to it. However, the train was too far out of the station for the Challenge to get aboard.

SENATE APPROVES FARM BILL, REJECTS AMENDMENT TO LIMIT PARK USE OF FARMS

The Senate approved its version of a multi-year farm bill (HR 2419) December 15 that would preserve most programs that involve outdoor recreation. But the measure ran out of time for enactment this year.

The legislation will face major obstacles next year. It must go through a House-Senate conference committee, the House and Senate must approve the conference bill, and Congress must overcome a probable veto.

The Office of Management and Budget (OMB) objects in particular to a provision in the Senate bill that would collect money for conservation through tax credits on conservation programs and make those revenues available for the entire farm bill. The tax credits would generate \$4 billion over ten years.

Said OMB, "The Administration opposes the option of shifting Conservation Reserve Program funding from the traditional cost-share and incentive payments to tax credits. Providing program participants this option will cost \$770 million more than current law without increasing the number of acres enrolled or obtaining the desired associated environmental benefits."

The Senate did reject an amendment from Sen. Larry Craig (R-Idaho) that would have limited state and local government eminent domain authority to take agricultural lands for parks, open space or conservation. The vote was 37-to-58.

The amendment would have forbid federal assistance to a state or local government if the state or local government attempted to obtain agricultural

land "for the purpose of a park, recreation, open space, conservation, preservation view, scenic vista, or similar purpose."

Said Craig on the Senate floor, "Additionally, many of our parks in this country are facing major budgetary shortfalls. To unnecessarily add more parks using eminent domain makes the problem worse, and to take private land to do so simply makes no sense. If the city wants to create a park, go find a willing seller and a willing buyer." Craig said the American Farm Bureau and the National Cattlemen Beef Association supported his amendment.

But Sen. Patrick Leahy (D-Vt.) said, "This amendment does nothing to prevent the government from seizing property in order to hand it over to private developers. Instead, it allows governments to seize farmland for a prison but non eminent domain for conservation purposes or a parkland." He said leading conservation groups opposed the amendment.

To form HR 2419 the Senate combined the recommendations of two committees - Agriculture and Finance. The agriculture committee provided the details of programs and the finance committee provided money to pay for them.

Past iterations of farm bills (each one usually covers five years) have removed millions of acres of open land from farming and devoted them to conservation purposes, preserving habitat across the country.

The version of HR 2419 approved by the Senate included basic conservation programs including a conservation reserve program, a wildlife habitat improvement program, a wetlands reserve program, a grasslands reserve program, and an environmental quality incentives program. It also includes a new program to encourage private landowners to open their property to hunters and fishermen.

The House approved its version of HR 2419 July 27. It also included most of the conservation programs advocated by hunters and fishermen, including the private landowner program.

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