

# Federal Parks & Recreation

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*In this issue. . .*

**Centennial bill moves in House.**

*Committee approves \$2B program. Offsets put off to House floor. GOP favors ANWR royalties .. Page 1*

**Centennial projects are praised.**

*Initial round. But NPS retirees worry regional or unsexy projects may be skipped .... Page 2*

**Is state LWCF in for OCS bump?**

*Special program may provide a bit more money in FY '09 ... Page 3*

**House aides drafting money bill.**

*Aim to have DoI bill ready for Rep. Dicks after May 15 .... Page 4*

**Kempthorne, allies split on guns.**

*NPS advocates fault proposal to authorize concealed guns ... Page 6*

**House finishes off omnibus bill.**

*Sends package devised by Senate to President. 61 items .... Page 7*

**Senate preps omnibus candidates.**

*Panel approves 45 bills. Some may go into new package .... Page 9*

**Congress finishes SAFETEA-LU fix.**

*Sends President bill that could free 100s of projects ..... Page 9*

**Farm bill said near the finish.**

*Money totals agreed to. Outdoor programs look fairly good .. Page 11*

**Fire bill outlook better in House.**

*Now that committee has approved bill to fund emergencies ... Page 11*

**Notes** ..... Page 12

**Boxscore of Legislation** .... Page 14

## House committee approves NPS Centennial bill, sans offset

The House Natural Resources Committee May 7 approved by voice vote a \$2 billion Centennial Challenge Fund bill (HR 3094) to upgrade the National Park System over the next decade. Committee passage finally gets the ball rolling for a proposal that has been around for more than a year.

However, the committee failed to address meaningfully the crucial problem of identifying offsets to pay for the \$100 million per year fund, to be matched by \$100 million in nonfederal matching grants. The committee did include a placeholder from \$30 million per year in Land and Water Conservation Fund (LWCF) contract authority.

The chairman of the House subcommittee on National Parks, Rep. Raúl Grijalva (D-Ariz.), said, "This (LWCF offset) does not raise sufficient offset funds but it is our intention to continue working with the minority and the leadership of the House to craft an adequate offset. If and when this legislation is considered on the House floor, it is included here because it is understood that the placeholder is acceptable to the minority."

Committee Republicans, led by Rep. Don Young (R-Alaska), offered an offset that Democrats said was a bill killer. Young would authorize oil and gas development in the coastal plain of the Arctic National Wildlife Refuge (ANWR) and use a slice of the billions of dollars in royalties drilling would bring in to pay for HR 3094. The amendment was defeated by a 12-to-18 vote.

Said Young, "Given that Americans are paying huge, huge prices for record amounts of OPEC oil I'm going out on a limb here and bet that most Americans are more concerned about energy prices

than about hiking trails and park maintenance legislation particularly when that legislation has no funding offset."

Responded Grijalva, "This amendment would insert in the bill arguably the most divisive environmental issue in the country and virtually guarantee that HR 3094 would never be enacted into law."

The Senate and House are working on separate, but similar Centennial bills. Although the Senate Energy Committee has yet to begin work on its lead bill (S 2817), it may actually be further along than its counterpart House Natural Resources Committee.

That's because the sponsors of S 2817, led by Sen. Ken Salazar (D-Colo.), may have come up with a more workable offset - Outer Continental Shelf oil and gas revenues that exceed anticipated revenues. The \$90 million per year from offshore royalties (plus \$10 million from special postage stamps) would provide offsets.

As for the substance of HR 3094, the House committee-passed bill approximates the Senate bill (S 2817.) That is, it would broadly define partnerships that could participate in projects, set limits on how much money could be allocated to specific activities such as capital improvements (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.

At the May 7 mark-up Rep. Rush Holt (D-N.J.) warned about commercialization of the national parks, such as providing the naming rights to Grand Teton National Park to the Victoria's Secret Company (to laughter.) "I understand there are prohibitions against actual naming rights but we must guard against over-commercialization in national parks," said Holt. "I know the intention of the chairman and the subcommittee chair in this legislation but we must be vigilant."

Grijalva and the chairman of the House Natural Resources Committee, Rep. Nick Joe Rahall (D-W.Va.), are the principal sponsors of HR 3094.

Salazar and four cosponsors introduced the Senate bill (S 2817) April 3. Salazar and company are not expected to wait for the House to complete HR 3094 and refer it to the Senate before acting, but nothing has been scheduled yet. Cosponsors include Sens. Susan Collins (R-Me.), Max Baucus (D-Mont), Norm Coleman (R-Minn.) and John Tester (D-Mont.)

The Bush administration came up with the idea of the Challenge program, led by Secretary of Interior Dirk 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.

In a fiscal 2008 appropriations bill Congress also approved \$25 million for an inaugural set of Centennial projects. (*See following article.*)

## **Cautious praise for first set of NPS Centennial tasks**

When dividing up just \$25 million for a \$2 billion program to upgrade the National Park System, complaints are inevitable.

But all in all most parties are praising the Park Service for the allocation of an initial \$25 million in fiscal year 2008 money for a Park Service Centennial Fund.

There are some cautions, particularly because all of the \$25 million was allocated to site-specific projects and none was allocated to regional and national initiatives, such as global warming.

Bill Wade, chairman of the Executive Council of the Coalition of National Park Service Retirees, said he would recommend broader-based projects. "I think that is a good point," Wade said. "Many of those projects are hard to find partners for."

Wade also worried that in the future more glamorous projects would be given higher priority over less glamorous infrastructure tasks. "The problem with these kinds of proposals is that the real priorities of the National Park System are not necessarily met," he said. "You know, for septic systems, electrical systems, those sorts of things, it's hard to get partners. The partners like to line up behind projects that are visible, such as visitor centers."

The Park Service April 24 allocated \$53 million to park improvement projects in an inaugural round of Centennial Challenge Fund grants. Federal appropriations will provide \$24.6 million of the \$53 million and matching nonfederal contributions \$28.4 million.

Secretary of Interior Dirk Kempthorne and NPS Director Mary Bomar announced the initial round of grants at an event on the Capitol grounds. Congress included the \$24.6 million in a fiscal year 2008 appropriations bill (PL 110-161 of Dec. 26, 2007) to give the program a head start in anticipation of the enactment of the Centennial Challenge Fund legislation.

The grants will fund 110 projects and involve 114 parties in 38 states. Park superintendents have reportedly briefed partners on the grants. Information on the selected projects is available at: <http://www.nps.gov/2016>.

Wade praised the thrust of the selected projects. "Overall I thought it was pretty good," he said. "For the most part the projects looked legitimate and the partners looked legitimate. One of our fears is that over time the matching of partners will raise the possibility of privatization. Partners will want a say in park management."

Wade didn't single out national

park concessioners as a privatization threat. But the concessioners are becoming proactive to address one of the retirees' concerns - a lack of regional and national projects. "We're putting together a foundation that instead of doing projects in specific parks will address projects of regional and national significance," said Derrick Crandall, counselor for the National Park Hospitality Association.

Crandall, who is also known in the field for his work as the president of the American Recreation Coalition, said those projects could include such things as "marketing, pod-casts, energy-related."

### **Will offshore oil money top projections for state LWCF?**

The Minerals Management Service (MMS) may allocate more money to the state side of the Land and Water Conservation Fund (LWCF) this year than Congress anticipated under a new 2006 law.

Because of increased demand for oil and gas, offshore leases in the Gulf of Mexico that are to finance the program may bring in more money than originally projected. MMS had anticipated an allocation of \$6.3 million in the first year of the program.

"It may be in the \$8 million range," said Michael Wilson, chief of the NPS State and Local Assistance program. "MMS is still doing the calculations. My understanding is the determination will not be concrete until June."

MMS confirmed that it was still computing results of the first Gulf sale. An MMS spokesman said, "The sale was held in March and it takes about three months for us to adjudicate bids once they get to us." He said companies put up only a fraction of a competitive bid when they make it and the rest after MMS approves it. Thus, the time lag in estimating the allocation.

The Gulf of Mexico Energy Security Act of 2006 directs MMS to allocate 12.5 percent of "revenues" from Gulf of Mexico offshore oil and gas lease sales

from the 181 Area and the 181 South Area. Revenues from 2008 through 2016 include bonus bids, rents and royalties. As production increases in out-years royalties will theoretically increase and the allocation to the state side of LWCF will grow concomitantly.

The money is guaranteed and does not rely on an appropriation. In addition the money is supplemental to any regular appropriation that Congress might make to the state side of LWCF.

The lead author of the Sale 181 provision, Sen. Lamar Alexander (R-Tenn.), said last month he wants to expand the program to future offshore oil and gas lease sales.

He asked Secretary of Interior Dirk Kempthorne at a hearing of the Senate Appropriations Committee on the Interior Department budget, "Would it be possible in Department of Interior planning to anticipate the 12.5 percent in new Gulf of Mexico leasing or anywhere else to go to fund the Land and Water Conservation Fund?" Alexander also mentioned anticipated sales off the Alaska coast that could bring in huge royalties on billions of barrels of oil.

Kempthorne did not respond directly. He said that in general, "I think it makes a great deal of logical sense that when you extract a natural resource that a portion of the benefit be reinvested back in nature."

Alexander said he would hope eventually to secure guaranteed funding of \$900 million per year for LWCF. "My goal is for us to get the Land and Water Conservation Fund up to \$450 million for federal (land acquisition) and \$450 million for state (grants,)" he said. "There is a lot of need, particularly in the East, for open space and greenways that could use that."

When Congress approved the 181 Area sales provision in 2006, supporters anticipated it would provide \$150 million over 10 years to the state side of LWCF. The fiscal 2009 Bush administration budget projects an allocation of \$6.3 million to the state side of LWCF.

After that the provision would set aside generally increasing revenues as the leases hit production, culminating with a \$36.25 million allocation in fiscal 2016. Again, that's guesswork.

Congress appropriated \$24.6 million to the state side of LWCF in fiscal 2008. The administration has requested no grant money in fiscal 2009 (other than the offshore revenues.) Some observers anticipate Congress will extend fiscal 2008 appropriations through fiscal 2009, meaning the state side of LWCF would again receive \$24.6 million, plus the \$6.3 million in offshore revenues.

### **House appropriators may write FY '09 DoI bill after May 15**

The House Interior appropriations subcommittee is on course to mark up a fiscal year 2009 money bill sometime after May 15.

Subcommittee chairman Norman Dicks (D-Wash.) told his staff to prepare a draft bill, even though the effort may go for naught. That's because Congress is expected to simply extend variations on fiscal 2008 domestic spending bills into fiscal 2009.

In addition Congress has not completed a budget yet and the House has not assigned a spending cap to the Interior bill. Thus, the subcommittee at this point is simply guessing at a cap that could be as much as \$1 billion off.

Still, "Mr. Dicks has instructed the staff to prepare a draft appropriations bill in anticipation of a markup," said a House Appropriations Committee staff member. "We don't have a number (spending cap) so the subcommittee is limited in what it can do."

The intentions of the chairmen of the House subcommittee on Energy and Water appropriations and the House subcommittee on Transportation have not been announced.

Two factors are immediately affecting the timing of appropriations bills - completion of a Congressional

budget and an emergency appropriations bill to help pay for the Iraq war.

As for budgets, the House and Senate have each approved resolutions but have been unable to resolve differences between them. The House March 13 approved a \$6 billion increase in budget authority for natural resources (Function 300) in H Con Res 312, increasing it from \$32.6 billion in fiscal 2008 to \$38.7 billion in fiscal 2009.

The Senate March 13 approved an even larger \$7 billion increase in S Con Res 70, jumping from \$32.6 billion in fiscal 2008 to \$39.7 billion in fiscal 2009. However, much of that increase is targeted at Hurricane Katrina recovery projects.

The House Appropriations Committee is also distracted temporarily by the writing of the emergency Iraq spending bill. House and Senate Democrats said they will add domestic initiatives to the bill, but at this point they have not identified any outdoor programs that may be candidates.

Dicks and House Appropriations Committee Chairman David Obey (D-Wis.) are expected to fight to obtain a spending cap for the Interior money bill that approximates a fiscal 2008 bill, rather than accept a \$1 billion reduction sought by the Bush administration.

Even if Dicks and Obey manage 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 most observers are predicting: It will simply extend a fiscal 2008 appropriations bill through fiscal 2009. However, those simple extension bills have become a tad more complicated with legislators rearranging spending for some programs.

Extension of a fiscal 2008 money bill would help most programs in the Interior bill because the Bush adminis-

tration has requested \$1 billion less for fiscal 2009 than a final fiscal 2008 appropriation of \$26.6 billion.

However, that could reduce spending substantially for Park Service operations and maintenance that are in for major increases in the administration budget above fiscal 2008. On the other hand Congress usually does some tinkering when it extends a past fiscal year appropriation, so it could beef up favored programs, such as NPS spending.

The following identify Bush administration fiscal 2009 requests for individual programs, followed by the fiscal 2008 appropriation.

\* NPS OPERATIONS: \$2.132 billion, a \$161 million increase over a fiscal 2008 appropriation of \$1.971 billion.

\* NPS OPERATIONS MAINTENANCE: \$712.2 million, a \$31.4 million increase over a fiscal 2008 appropriation of \$680.8 million.

\* NPS CONSTRUCTION: \$172.5 million, a \$45.9 million decrease from a fiscal 2008 appropriation of \$218.4 million, and

\* NPS REC & PRES: \$45.4 million, a \$22 million decrease from a fiscal 2008 appropriation of \$67.4 million.

\* NATIONAL FOREST SYSTEM: \$1.345 billion, a big \$161 million decrease from a fiscal 2008 appropriation of \$1.506 billion.

\* NATIONAL FOREST RECREATION: \$237 million, a substantial \$25.6 million decrease from a fiscal 2008 appropriation of \$262.6 million.

\* NATIONAL FOREST TRAILS: \$50 million, a \$26.3 million decrease from a fiscal 2008 appropriation of \$76.365 million.

\* NATIONAL WILDLIFE REFUGE OPERATIONS: \$434.1 million, or the same as a fiscal 2008 appropriation of \$434.1 million.

\* BLM RECREATION: \$59.1 million, a decrease of \$8.8 million from a fiscal 2008 appropriation of \$67.9 million.

\* NATIONAL LANDSCAPE CONSERVATION SYSTEM: \$21.8 million, an increase of \$3 million over a fiscal 2008 appropriation of \$18.8 million.

\* CORPS OF ENGINEERS OPERATIONS AND MAINTENANCE: \$2.475 billion, or \$31

million more than a fiscal 2008 appropriation of \$2.244 billion.

\* CORPS OF ENGINEERS CONSTRUCTION: \$1.4 billion, or \$900 million less than a fiscal 2008 appropriation of \$2.3 billion.

\* FIRE FIGHTING FOREST SERVICE: \$1.880 billion, or \$378 million less than a fiscal 2008 appropriation of \$2.258 billion (counting a fiscal 2008 emergency supplemental).

\* FIRE FIGHTING INTERIOR: \$850.1 million, or \$206.9 million less than a fiscal 2008 appropriation of \$1.057 billion (counting a fiscal 2008 emergency supplemental).

\* STATE SIDE OF LWCF: no grant money, or \$24.6 million less than a fiscal 2008 appropriation of \$24.6 million, but \$6.3 million in automatic allocations for grants from OCS oil and gas revenues.

\* STATE AND TRIBAL WILDLIFE GRANTS: \$73.8 million, the same as a fiscal 2008 appropriation of \$73.8 million for this program administered by the Fish and Wildlife Service.

\* UPAR: no money requested, compared to the same appropriation in fiscal 2008.

\* FED SIDE OF LWCF: \$42.5 million, compared to a fiscal 2008 appropriation of \$129.7 million. For individual agencies: NPS would receive \$21.8 million, compared to a fiscal 2008 appropriation of \$44.4 million; the Fish and Wildlife Service would receive \$10.2 million, compared to a fiscal 2008 appropriation of \$34.6 million; the Bureau of Land Management would receive \$4.5 million, compared to a fiscal 2008 appropriation of \$8.9 million; and the Forest Service would receive \$6 million, compared to a fiscal 2008 appropriation of \$41.8 million.

\* HISTORIC PRESERVATION FUND grants: \$41.7 million, or \$4.1 million less than a fiscal 2008 appropriation of \$45.8 million.

\* SAVE AMERICA'S TREASURES (money comes from the Historic Preservation line item): \$15 million, or \$9.4 million less than a fiscal 2008 appropriation of \$24.6 million.

\* NEW PRESERVE AMERICA GRANTS (money comes from the Historic Preservation line item): \$10 million, or \$2.6 million more than a fiscal 2008 appro-

priation of \$7.4 million.

\* NATIONAL HERITAGE AREA GRANTS (money comes from a Recreation and Preservation line item): \$7 million, or \$8.3 million less than a fiscal 2008 appropriation of \$15.3 million.

## **Kempthorne, NPS advocates part ways on concealed guns**

Secretary of Interior Dirk Kempthorne is on most days a favorite of advocates for the National Park System because of his proposal for a \$3 billion Centennial Challenge Initiative to improve the parks.

But Kempthorne angered the advocates April 30 when his department proposed to allow concealed guns in the national parks, and in national wildlife refuges. The proposed regulation would authorize concealed weapons only where state laws allow concealed weapons in state parks.

Said Bryan Faehner, legislative representative for the National Parks Conservation Association, "Our national parks are national treasures, not state entities, created by Congress to protect wildlife and inspire future generations through a unique national purpose and mission. The existing regulations are reasonable and necessary to protect and preserve these places and allow for the safe enjoyment of all visitors."

Said John Waterman, president of the U.S. Park Rangers Lodge of the Fraternal Order of Police, "If the proposed change is adopted, rangers and visitors alike could be faced with a number of confusing issues. What do you do when visiting a park that has boundary lines in multiple states—like Death Valley National Park, Delaware Water Gap National Recreation Area, Great Smoky Mountains National Park and Yellowstone National Park?"

In defending the proposal Assistant Secretary of Interior for Fish Wildlife and Parks Lyle Laverty said, "The original regulations, last substantially updated in the early 1980's, were enacted over 25 years ago and much has

changed in how states administer their firearm laws in that time. We strongly endorse the principle that states have the prerogative to develop appropriate policies and standards in this area, and believe that our management of parks and refuges should defer to those state laws."

Forty-seven senators got the ball rolling when they wrote Kempthorne Dec. 17, 2007, asking him to allow concealed weapons in parks and refuges. Four more senators wrote Kempthorne February 11 with a similar message, making the total 51.

In a typical comment, Sen. Mike Crapo (R-Idaho) said April 30 of the proposed regulations, "It is important that we provide consistency in firearm regulations and recognize states' rights in this matter."

The salient portion of the proposed regulations says of guns in national parks, "(h) A person may possess, carry, and transport concealed, loaded, and operable firearms within a national park area in the same manner, and to the same extent, that a person may lawfully possess, carry, and transport concealed, loaded and operable firearms in any state park, or any similar unit of state land, in the state in which the federal park, or that portion thereof, is located, provided that such possession, carrying and transporting otherwise complies with applicable federal and state law."

Send comments by June 30 to: 1024-AD70; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, Suite 222; Arlington, VA 22203.

## **House completes omnibus bill; does it open way for more?**

Final Congressional approval April 29 of a far-reaching bill (S 2739) that includes dozens of park and recreation measures may well open the way for even more omnibus bills. The House cleared the way to send the bill to President Bush. He is expected to sign S 2739 into law.

No timetable has been set for a second or third package. "It could come up in the next few weeks or a month, but we have to move soon because of the (Senate) calendar," said a Senate Energy Committee staff member.

Committee leaders have not begun identifying candidates to include in a new omnibus bill, but they are expected to focus on legislation affecting land management agencies in the Interior Department and the Forest Service. "It's still sort of forming right now," said the staff member. The committee was waiting for the results of a May 8 mark-up of a miscellany of bills before proceeding. (See following article.)

The House gave final Congressional approval to the first omnibus bill (S 2739) April 29 in a 291-to-117 vote. The measure was put together by the Senate Energy Committee and included 57 bills the House had approved earlier. The Senate approved the package, April 10. S 2739 contains 61 individual bills.

A major candidate for inclusion in a new omnibus bill is legislation (S 1139) to certify the 26 million-acre National Landscape Conservation System (NLCS) managed by the Bureau of Land Management (BLM.) The Senate Energy Committee approved S 1139 May 23, 2007, but the bill has not moved since. The House approved a counterpart NLCS bill (HR 2016) April 9 by a 278-to-140 vote.

There are two possible complications for the NLCS bill. First, western Republicans opposed the House measure. Rep. Rob Bishop (R-Utah) said the bill not only failed to address existing problems in multiple use management of BLM lands in the system, but also could hamper management. He cited such ongoing problems as lack of access for energy development, grazing and other activities. Bishop said the bill could impose Park Service-like restrictions on BLM.

Second, if and when S 1139 comes to the floor, by itself or in a package, Sen. Dianne Feinstein (D-Calif.) intends to offer an amendment to expand the system to 32 million acres.

She will try 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 already in the system but Feinstein would add another six million acres.

The first omnibus bill (S 2739) had been delayed for most of a year by "holds" placed by Sen. Tom Coburn (R-Okla.) He objected to any legislation that would come with a price tag and require additional spending. But Senate Majority Leader Harry Reid (D-Nev.) worked out an agreement with Coburn that allowed him to offer five amendments to S 2739 on the floor. That pact could lead to similar agreements for future omnibus bills.

The Senate rejected the five Coburn amendments by decisive margins (he never received more than 30 votes.) The amendments would have done such things as require an inventory of federal land and the cost to maintain it and require notification of all private property owners of a proposed National Heritage Area (NHA.)

Private property rights advocates opposed S 2739 because it includes a Rim of the Valley study in California. The Rim of the Valley provision would authorize an assessment of the possible addition of 500,000 acres to the Santa Monica Mountains National Recreation Area (SMMNRA.)

The 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, they maintain.

The Bush administration generally supports the Rim of the Valley legislation. And Democrats in the California Congressional delegation, led by Sen. Dianne Feinstein and Rep. Adam Schiff, solidly back it.

SMMNRA is the largest urban park in the National Park System with 153,750 acres within its boundaries. NPS says

the area provides recreational opportunities for approximately 530,000 visitors annually. The study area extends over 491,518 acres and includes considerable private property.

Here are some of the individual bills included in the final omnibus measure:

**HERITAGE AREAS:** S 2739 would designate a Journey Through Hallowed Ground NHA in Pennsylvania, Maryland, West Virginia and Virginia; an Abraham Lincoln NHA in Illinois; and a Niagara Falls NHA in New York.

It would increase a spending ceiling on these nine NHAs from \$10 million to \$15 million: National Coal Heritage Area in West Virginia, the Tennessee Civil War Heritage Area, the Augusta Canal NHA in Georgia, the Steel Industry American Heritage Area in Pennsylvania, the Essex NHA in Massachusetts, the South Carolina National Heritage Corridor, America's Agricultural Heritage Partnership in Iowa, the Ohio & Erie Canal National Heritage Corridor in Ohio, and the Hudson River Valley NHA in New York.

(Not included in S 2739 are at least four NHAs that the Senate committee has approved but the House has not acted on. They are candidates for the next committee package. They are a Quinebaug and Shetucket Rivers Valley National Heritage Corridor in Massachusetts and Connecticut; Sangre de Cristo NHA in Colorado; South Park NHA in Colorado; and Chattahoochee Trace National Heritage Corridor in Georgia and Alabama.)

(Also not included in S 2739 are at least three NHA bills approved by the House that would designate a Muscle Shoals NHA in Alabama; a Freedom's Way NHA in Massachusetts and New Hampshire; and a Santa Cruz Valley NHA in Arizona.)

**TRAILS:** S 2739 would designate a Star Spangled Banner National Historic Trail in Maryland, Virginia and the District of Columbia.

**RIVERS:** S 2739 would designate the Eightmile River in Connecticut as a wild and scenic river.

**MISCELLANEOUS:** S 2739 includes 21 other bills dealing with the Park Service, including boundary adjustments, studies, designation of commissions, and land conveyances. In addition the bill includes a Wild Sky wilderness bill for national forests in Washington, two land bills for the Bureau of Land Management, 14 water resources bills, two Department of Energy bills and two territories bills.

### Senate committee approval may open way for 45 more bills

The Senate Energy Committee May 7 approved 45 individual bills including four national heritage area (NHA) measures, making all the measures candidates for passage this year.

That's because the committee is in the process of batching bills it has passed into omnibus measures that enjoy good prospects of enactment. For instance the Senate overcame a hold by Sen. Tom Coburn (R-Okla.) last month to secure passage of 61 individual bills in one omnibus measure (S 2739.) (See *previous article.*)

The Senate committee May 7 also approved bills to designate two new wild and scenic river components, designate one new national trail, establish a Preserve America Program, establish a Save America's Treasures Program, designate wilderness in Rocky Mountain National Park and establish a Paterson Great Falls National Historical Park.

Committee staff hopes to put a new package together for floor action in the next month.

Here are some of the bills the committee approved:

**NATIONAL HERITAGE AREAS:** S 827 - To establish the Freedom's Way National Heritage Area in the States of Massachusetts and New Hampshire (House bill HR 1297 has not moved yet),

S 2254 - To establish the Mississippi Hills National Heritage Area in the State of Mississippi (House bill HR 4457 has not moved yet),

S 2512 - To establish the Mississippi Delta National Heritage Area in the State of Mississippi (House bill HR 4457 has not moved yet),

S 2604 - To establish the Baltimore National Heritage Area in the State of Maryland (House bill HR 5279 has not moved yet.)

**WILD AND SCENIC RIVERS:** S 868 - To amend the Wild and Scenic Rivers Act to designate segments of the Taunton River in the Commonwealth of Massachusetts as a component of the National Wild and Scenic Rivers System (House subcommittee hearing Oct. 30, 2007 on bill HR 415),

S 1281 - To amend the Wild and Scenic Rivers Act to designate certain rivers and streams of the headwaters of the Snake River System as additions to the National Wild and Scenic Rivers System (no House bill yet.)

**NATIONAL TRAILS:** HR 1528 - To amend the National Trails System Act to designate the New England National Scenic Trail (House passed January 29.)

**NEW NPS UNIT:** HR 189 - To establish the Paterson Great Falls National Historical Park in the State of New Jersey (House passed Oct. 22, 2007.)

**PRESERVE AMERICA, ETC.:** S 2262 - To authorize the Preserve America Program and Save America's Treasures Program (hearing held April 24 on House bill HR 3981.)

**ROCKY MOUNTAIN WILDERNESS:** S 1380 - To designate as wilderness certain land within the Rocky Mountain National Park and to adjust the boundaries of the Indian Peaks Wilderness and the Arapaho National Recreation Area of the Arapaho National Forest in the State of Colorado (hearing held Nov. 13, 2007, on House bill HR 2234.)

### Congress completes bill to correct SAFETEA-LU errors

The House gave final Congressional approval April 30 to a bill (HR 1195) to make "technical corrections" in a giant, three-year old surface transportation law, sending the bill to the

President. Signature by President Bush is not guaranteed because of White House concern about earmarks.

If enacted, HR 1195 would free up millions of dollars in recreation projects, particularly trails, that have been held up for years because of errors in the existing law.

The House vote was 358-to-51. The Senate had approved the same bill April 17 by an 88-to-2 vote.

The bill affects hundreds of projects authorized by the Safe, Accountable, Flexible, Efficient Transportation Equity Act, of August 10, 2005 (SAFETEA-LU.)

Said House Transportation Committee Chairman James Oberstar (D-Minn.) on the House floor April 30, "The number of technical corrections that we provide in this legislation will allow hundreds, maybe even thousands, of projects to move more vigorously ahead to the construction stage, and I'm quite certain that we will see a generation of at least 40,000 family-wage, highway-related construction jobs that will help lift this economy out of its doldrums."

Many of those projects are of the now politically-incorrect variety called earmarks. Said ranking House committee Republican John Mica (R-Fla.), "The largest section of the bill, section 105, makes changes to 386 high-priority projects in section 1702 of the SAFETEA-LU bill." Section 1702 and other sections of the bill authorized more than 6,200 individual projects, or earmarks.

Mica said the earmarks were evenly divided between the House and Senate and between Democrats and Republicans. "In this legislation there are 150 corrections made at the request of Senators, 197 corrections made at the request of House Democrats, and 138 corrections made at the request of House Republicans," he said.

Rep. Floyd Flake (R-Ariz.) was the only House member to speak out against the bill, although 51 members voted no. He said that the revisions to earmarks

in HR 1195 went beyond technical corrections.

"When you hear 'technical corrections,' you often think of missing commas or misspellings or inverted numbers or other drafting errors," he said. "We are doing far, far, far more than that here with this legislation." He suggested that the bill revises the substance of the earmarks, effectively creating new earmarks.

House consideration was complicated by a Senate provision that calls for a Justice Department investigation of an earmark that allocated \$10 million for the construction of an Interstate 75 interchange in Florida even though the provision had not been in SAFETEA-LU when the House and Senate had voted to pass the legislation in 2005. Details of the earmark were added later before President Bush signed the bill.

The original House-passed version of HR 1195 included no such provision. But the House accepted the Senate investigation provision when the sponsor of the original earmark, Rep. Don Young (R-Alaska), accepted the inquiry.

HR 1195 is called a technical corrections bill because at the bottom line it would not increase spending above the \$286.5 billion SAFETEA-LU provide for transportation infrastructure for fiscal years 2005 to 2009.

It is not a given President Bush will sign the bill. The Office of Management and Budget (OMB) complained about the number of earmarks, even though it accepted SAFETEA-LU in 2005 with the original earmarks.

"The presence of excessive earmarks in the 2005 bill created significant inefficiencies in the allocation of resources to fund transportation infrastructure," said OMB. "The effort through H.R. 1195 to modify these earmarks from an authorization that passed only three years ago is a further reflection of those inefficiencies. Therefore, the Administration urges that these provisions be removed from the bill."

## **Congress as always has almost finished a new farm bill**

A House-Senate conference committee at press time had all but wrapped up a multi-year farm bill (HR 2491) that provides good news and bad news for programs important to hunting and fishing.

At the bottom line the bill would provide \$4 billion above the baseline for conservation programs. Exactly how that money would be meted out - and how much would really be new - had not been nailed down at press time.

Conservationists are particularly concerned about a conservation reserve program (CRP) that has lost significant acreage in the last year as farmers have taken land out of the program to grow corn for ethanol. As many as 2.5 million acres were transferred from conservation to growing ethanol crops such as corn in the last fiscal year.

Organizations such as the Theodore Roosevelt Conservation Partnership (TRCP) hope the conferees will establish a floor on the number of acres in the CRP. There are now 34 million.

"We are looking for ways to make CRP competitive with ethanol," said Geoff Mullins, a TRCP staff member. "We want to make CRP a robust program. One of the things we have talked about is establishing some kind of floor of acreage. Then (Congress would provide) stop-gap payments to keep land in CRP."

The House and Senate conferees met May 6 to work out the details of the HR 2419. The conferees had reached general agreement on total spending but they were still trying to divide up the pie. Congress on May 2 extended the existing law until May 16 to give the conferees time.

The Bush administration has begun criticizing the tentative spending agreement, primarily for excessive subsidies for farmers.

Major substantive concerns for

conservationists are caps in the 2002 farm law on acreage that farmers are paid to set aside for conservation, such as a Grasslands Reserves Program, a Wetlands Reserve Program and a Conservation Reserve Program. Those programs have either reached acreage caps or are approaching the caps. Without a farm bill and infusions of new money little additional acreage could be set aside.

The House would allow for increases in the Conservation Reserve Program beginning Oct. 1, 2009, and would add 200,000 acres per year to the Wetlands Reserve Program.

The version of HR 2419 approved by the Senate Dec. 14, 2007, included basic conservation programs such as 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, 2007. It also included most of the conservation programs advocated by hunters and fishermen, including the private landowner program.

## **Fire bill outlook warms in House; Senate is waiting**

Legislation to guarantee about \$500 million per year for emergency fire fighting by federal agencies stands a reasonable chance of enactment this year.

A lead bill (HR 5541), approved by the House Natural Resources Committee April 17, is expected to reach the House floor soon. Although the House Agriculture Committee and the House Budget Committee must still sign off, leaders of both committees worked with the House Natural Resources Committee in the writing of HR 5541.

There are possible sticking points. Although House Republicans have not opposed the bill outright, they are

arguing for a complicating amendment that would expedite hazardous fuels reduction projects, including salvage timber sales.

Rep. William Sali (R-Idaho), who is heading Republican efforts in the House committee, has also introduced the hazardous fuels proposal in bill form (HR 4245.) He said he would continue to push the amendment.

"You don't win an argument you don't make, and I intend to keep pressing for passage of my legislation," he said after the committee approved the bill.

The lead Democratic bill, sponsored chiefly by committee chairman Nick Joe Rahall (D-W.Va.), would guarantee emergency money each year to cover the average cost of fighting major fires over the previous five years. That's about \$500 million. The bill is called FLAME, as in Federal Land Assistance, Management and Enhancement Act.

The money would not count against appropriations bill spending caps. Congress would still need to appropriate money for the fighting of non-catastrophic fires each year and other fire-fighting programs.

Rahall and company introduced HR 5541 to take the pressure off federal land management agency budgets, which have been devastated by emergency fire-fighting expenses. The Forest Service in particular has struggled with fire-fighting costs that now exceed national forest management costs.

Western senators are well aware of the issue and the House action. Senate Energy Committee Chairman Jeff Bingaman (D-N.M.), Sen. Larry Craig (R-Idaho) and others have discussed in the last year the need to generate legislation to address fire-fighting costs.

However, a Senate Energy Committee spokesman said the committee is not working on a bill right now but expects to take up the issue when the House bill makes it way to the Senate.

Sen. Max Baucus (D-Mont.) has introduced a bill (S 1770) that would establish an emergency fire fighting account, but with appropriated money. Bingaman and Craig have talked about a guaranteed program that would not rely on appropriations.

In the House, committees other than Rahall's are involved. Rep. Norman Dicks (D-Wash.), chairman of the House subcommittee on Interior and related agencies appropriations, is a cosponsor of FLAME.

In addition Sen. Agriculture Committee Chairman Collin Peterson (D-Minn.) and ranking Republican Bob Goodlatte (Va.) have introduced a bill of their own (HR 5648) that would establish an emergency fire-fighting fund from regular appropriations.

Peterson and Goodlatte would also establish a fund to help "fire-ready" communities prepare for wild fires. And they would establish a cooperative program between federal land managers and state foresters to conduct hazardous fuels reduction projects on national forests and adjacent lands.

The House Natural Resources Committee adopted much of those last provisions in approving its bill. It did not adopt the appropriated fund, preferring the emergency measure.

## Notes

### Senate considers air tour bill.

At press time the Senate was considering a Federal Aviation Administration Reauthorization Act that would make significant changes in law governing air tours over national parks. For one thing the Senate bill (HR 2881) would allow NPS and the Federal Aviation Administration (FAA) to approve overflights of parks even if parks had not completed air tour management plans. The bill would allow NPS and FAA to write agreements with commercial air tour operators as an alternative to plans. Second, the bill would exempt parks that hosted fewer than 100 overflights per year from preparing an overflight plan. Finally, Senate Majority Leader Harry Reid (D-

Nev.) proposed last week to exclude all aircraft noise except that from air tour operators in establishing noise regulations for Grand Canyon National Park. Under existing law - the Grand Canyon Overflights Act of 1987 - the Federal Aviation Administration and NPS are to maintain quiet in the park at least 75 percent of the day for half the park. The only exception in the law was for air tour operators. Reid would extend the exception to high-flying jetliners and other aircraft. The House approved its version of HR 2881 Sept. 20, 2007, that would also allow NPS and FAA to write agreements with air tour companies in lieu of plans. The House would also allow parks with fewer than 50 overflights a year to skip the writing of an overflight plan, compared to the Senate's 100. The House bill does not include the Reid noise provision for Grand Canyon.

**Two FLREA lawsuits filed.** Critics of a federal recreation fee law filed two lawsuits this week, alleging that the Forest Service charges fees for use of undeveloped recreation areas. The critics argue that the Coronado National Forest in Arizona and the Arapaho National Forest in Colorado charge fees for using high impact recreation areas, where some facilities are developed and others are not. Among the undeveloped areas are trailheads and trails to the backcountry. The critics say the Federal Lands Recreation Enhancement Act (FLREA) forbids fees for use of undeveloped areas. The plaintiffs in the Arizona lawsuit are AZ No-Fee activists Gaye Adams and Greg Lewis, ecologist Daniel Patterson, and Christine Wallace. The Colorado plaintiffs are hiker and outdoorsman David Scherer and Elderlaw attorney John Licht.

**Rocky park breach suit settled.** The Justice Department said May 5 that it has reached an agreement with a water resource company that requires the company to pay \$9 million to repair damages to Rocky Mountain National Park for a 2003 breach. The Water Supply and Storage Company uses water from Rocky Mountain National Park to supply a reservoir. The Justice Department said the damage payment is the largest ever re-

corded under the Park System Resource Protection Act. Coincidentally, the Senate Energy Committee May 7 approved legislation (S 1380) that would both protect water rights in Rocky Mountain National Park and designate almost 250,000 acres of the park as wilderness.

**Preservation panel named.** The Interior Department and the Advisory Council on Historic Preservation (ACHP) established this week a high-level committee to evaluate the nation's historic preservation policies. The Preserve America Steering Committee is to report this fall on the nation's historic preservation needs. The 10-member committee held its first meeting May 8 under co-chairs Deputy Secretary of the Interior P. Lynn Scarlett and ACHP Chairman John L. Nau, III. The committee evolved from a recommendation of the Preserve America Summit held in New Orleans in October 2006.

**Masica named NPS boss in Alaska.** The Park Service said May 2 that Sue Masica, formerly chief of staff of the agency, has been named Alaska Regional Director. Masica has served as a senior advisor to NPS Director Mary A. Bomar since 2006. As director of the Alaska region she will oversee 16 park units and a budget of nearly \$100 million per year. Masica has also worked as associate director for park planning in NPS.

**Vela named NPS boss in Southeast.** The Park Service said May 2 that David Vela, a veteran superintendent of park units, has been named Southeast Regional Director. Most recently Vela served as superintendent of the George Washington Memorial Parkway in Virginia. He has also overseen the Lyndon B. Johnson National Historical Park in Texas and Palo Alto Battlefield National Historic Site in Texas. He will oversee 66 park units in nine states with an operating budget of more than \$200 million.

**Judge approves Hatteras deal.** U.S. District Court Judge Terrence Boyle in North Carolina April 30 signed off on an agreement that directs NPS to bar off-highway vehicle (OHV) use at night on Cape Hatteras National Seashore. The park May 5 said it would immediately

begin to implement the agreement to protect the piping plover, loggerhead sea turtle, and other species. The consent decree forbids OHV use at night during the peak summer and shoulder seasons. And it bars OHV access within breeding zones. The decree would last until NPS completes a travel management plan. The Park Service said the agreement avoids a complete year-round closure of OHV access to popular fishing areas.

**FWS allocates pumpout grants.** The Fish and Wildlife Service (FWS) last month announced the distribution of \$13.6 million to 27 states for the construction of sewage pumpout facilities. The money may be used for floating restrooms, for the acquisition of pumpout boats and for education. The money is provided under the Clean Vessel Act from revenues allocated by the Sport Fishing and Boating Trust Fund. Excise taxes on fishing and boating equipment and boat fuels pay the freight. California received the most money, \$3,540,848.

**Pacific Northwest Trail asked.** Two senators and four House members April 30 introduced legislation (HR 5926, S 2943) to designate a 1,200-mile Pacific Northwest National Scenic Trail. The trail would run from the Continental Divide to the Pacific Coast and pass through three national parks and seven national forests. Sen. Maria Cantwell (D-Wash.) is the lead sponsor of the Senate bill and Rep. Norman Dicks (D-Wash.) is the lead sponsor of the House bill. All the bill sponsors are Washington State Democrats.

**Fort Monroe pact lauded.** Leading preservation groups are praising a draft Virginia State plan to govern the 570-acre Fort Monroe U.S. Army base in Hampton, Va., after it closes in 2011. The groups, including the National Parks Conservation Association and the National Trust for Historic Preservation, ask that any final agreement preserve the historic base overlooking the mouth of the Chesapeake Bay "as a vibrant and economically self-sustaining, publicly accessible place where people live, work and visit, and where visitors' under-

standing and appreciation of the nation's history is enhanced." That means demolition of buildings only when all other alternatives fail and limited new construction compatible with design standards. The letter from the preservation groups to the State of Virginia Secretary of Natural Resources is available at <http://www.civilwar.org/fortmonroejointletter/letter.pdf>.

## Conference calendar

### MAY

4-7. **National Sporting Goods Association** annual meeting in Phoenix. Contact: National Sporting Goods Association, 1601 Feehanville Drive, Suite 300, Mt. Prospect, IL 60056-6035. (847) 296-6742. <http://www.nsga.org>.

4-7. **National Summit on Environmental Stewardship "For People, Parks, and Public Lands"** in Portland, Ore. Contact: National Recreation and Parks Association, 22377 Belmont Ridge Road, Ashburn, VA 20148-4150. (703) 858-0784. <http://www.nrpa.org/esummit>.

13-15. **National Association of Recreation Resource Planners** annual meeting in Missoula, Mont. Contact: National Association of Recreation Resource Planners, 2001 Jefferson Davis Highway, Suite 1004, Arlington, VA 22202-3617. (703) 416-0060. <http://www.narrp.org>.

28-31. **National Ski Areas Association** annual meeting in San Francisco, Calif. Contact: National Ski Areas Association, 133 South Van Gordon St., Suite 300, Lakewood, CO 90228. (303) 987-1111. <http://www.nsaa.org>.

### JUNE

11-14. **International Snowmobile Congress** in Boise, Idaho. Contact: Perry Hesteness, Idaho State Snowmobilers Association, (208) 309-1750. <http://www.idahosnowbiz.com/>.

18-21. **International Mountain Biking Association** 2008 World Summit in Park City, Utah. Contact: International Mountain Bicycling Association, MBA 207 Canyon - Suite 301, Boulder, CO 80302 (303) 545-9011. <http://www.imba.com/about/index.html>