

Federal Parks & Recreation

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In this issue. . .

Economic stimulus had its issues.

Although President Obama has now signed the bill, supporters on Hill had to overcome an anti-parks amendment and an attack on NPCA and chairman Obey Page 1

Stimulus will boost trails, roads.

State, local governments may use money on ready-to-go projects. Oberstar worries that law may sap highway bill momentum .. Page 4

Bingaman asked more stimulus aid.

For natural resources. He would have added \$1B for NPS, \$100M for state LWCF. Headed off by big compromise with GOP Page 6

FY 09 money bills may move soon.

Possible that omnibus will reach House floor next week. GOP still expects more FY 08 ... Page 7

No Centennial Challenge stimulus.

As a specific set-aside, but NPS believes it can spend on projects from other pots Page 8

FLREA repeal bill may return.

Sen. Baucus's office told Montana papers it would be back Page 9

Bishop, OHVers hit GAO survey.

Say agency survey asks biased questions about users Page 10

Omnibus faces shaky House future.

Delay and floor procedure raise concerns. CDCA clarified .. Page 11

Notes Page 12

Boxscore of Legislation Page 14

Stimulus bill signed after ups and downs on the Hill

President Obama signed into law February 17 an economic stimulus bill that contains considerably less park and rec money than advocates had hoped for.

The bill includes more than \$1 billion less for the Park Service than the House had originally approved in January and it includes no money for a Park Service Centennial Challenge program. The House had first approved \$100 million for the Challenge program. Here's a snapshot of allocations that did make it into the final bill:

- * Park Service construction/maintenance, \$735 million
- * Park Service roads (Federal highway money), \$170 million
- * Historic preservation grants, \$15 million
- * FWS construction, \$165 million
- * FS construction, \$650 million
- * BLM construction, \$315 million
- * Wildfire prevention, \$515 million (\$250 million FS; \$250 million state and local; \$15 million DoI)
- * USGS modernization, \$140 million
- * Surface transportation, \$47 billion.

The House and Senate reached agreement on a final version of HR 1 on February 11 shortly after the Senate approved its version of a bill February 10. The House and Senate then gave final approval to the bill February 13.

The final bill (HR 1) tilts toward a Senate version that is less generous to park and rec programs than a version approved by the House January 28. In addition, the Senate-approved bill removed \$250 million in federal land projects from an earlier Senate Appropriations Committee bill.

The conferees tilted toward the Senate version of a bill because Senate

leaders needed 60 votes to overcome a sure filibuster, and the House version of the bill would not have earned 60 votes.

President Obama did not mention natural resource spending directly on signing the law. He simply promised to keep a close eye on expenditures. "With a recovery package of this size comes a responsibility to assure every taxpayer that we are being careful with the money they work so hard to earn," said Obama. "And that's why I'm assigning a team of managers to ensure that the precious dollars we've invested are being spent wisely and well."

ANTI-PARKS PROPOSAL DEFEATED: In a major last-minute change the conferees substantially revised a provision in the Senate bill written by Sen. Tom Coburn (R-Okla.) that would have barred the use of any bill money for community parks, highway beautification projects, stadiums, museums, theaters, art centers, aquariums, zoos, golf courses and swimming pools. The conferees revised the Coburn amendment to allow spending on community parks, highway beautification projects, stadiums, museums, theaters and art centers.

The Senate initially approved a sweeping Coburn amendment February 6 that would have barred the expenditure of money on the full list of uses. Said Coburn on the Senate floor, "What this amendment does is prohibit money to go to low-priority, low-infrastructure things. We have 233,000 bridges in this country that are in trouble - 233,000. Instead of spending money planting trees along a causeway, what we ought to be doing is fixing the bridge that is on that causeway."

Sen. Barbara Boxer (D-Calif.) countered, "But by prohibiting funds for parks, highway beautification projects, and other community projects, the Coburn amendment would have eliminated from funding consideration important job-creating initiatives throughout California."

Again, the House-Senate conference committee changed the amendment to bar

spending only on aquariums, zoos, golf courses and swimming pools.

Groups such as the National Recreation and Park Association (NRPA) attributed the conferees' change of heart in part to interest group demands. Said a statement at the NRPA website, "NRPA advocates and allies swung into action with an all-out advocacy effort to stop this senseless prohibition from being enacted. Armed with facts and figures on the economic value of local parks and the direct benefits that would result in creating jobs and revitalizing local economies, NRPA advocates convinced Members of Congress and key Congressional staff of the merits of allowing spending of stimulus funds for community parks."

ISSA CHARGES NPCA NEPOTISM: Rep. Darrell Issa (R-Calif.) kicked up a major ruckus last week when he charged that National Parks Conservation Association (NPCA) Senior Vice President Craig Obey illegally lobbied his father House Appropriations Committee Chairman David Obey (D-Wis.) on behalf of the national parks.

Said a report prepared by the minority staff of the House Oversight and Government Reform Committee, "Craig Obey successfully lobbied the Appropriations Committee for stimulus dollars. The National Park Service received most, if not all, of the money identified by NPCA in its stimulus request." Issa is the ranking committee Republican on the committee.

For evidence the report cited a form filed by NPCA that listed Craig Obey as a lobbyist on budget and appropriations issues. However, that filing doesn't appear to demonstrate a direct lobbying link between Craig and David Obey, says NPCA.

Indeed, NPCA says that its records indicate that Obey the younger did not directly lobby Obey the elder on the stimulus bill. Said an NPCA spokeswoman, "We keep detailed records of who talks to whom. By law we have to file these records as (a nonprofit group that is allowed to lobby.)"

Still, the Issa report said, "The success of NPCA and Craig Obey in doubling the National Park Service's annual appropriation through the economic recovery legislation raises the question of whether family ties played a role. The seriousness of this potential conflict should have been disclosed to all Members before the vote took place."

As mentioned above, the House-approved version of HR 1, written in large part by Obey the elder, did contain \$1 billion more for Park Service construction and operations than a Senate-passed bill. A last-minute Senate amendment that did not succeed would have included much of that \$1 billion in the Senate bill.

Secretary of Interior Ken Salazar for one dismissed Issa's charges in an interview with USA TODAY. "I think it's nonsense," he told the paper.

WHAT'S IN THE BILL: The House and Senate bills differed on some park and rec programs and were in agreement on others. On the difference side, the Senate bill recommended \$1 billion less for the Park Service than the House, \$735 million compared to \$1.95 billion in the House bill. Again, the conferees sided with the lower Senate number.

For other land management agencies the Senate and the House were closer. Both would provide the Forest Service with about \$900 million, with \$650 million for construction. BLM would receive \$315 million for operations and construction.

In approving its original version of HR 1 January 28 the House included \$100 million for a Park Service Centennial Challenge program, with the money to be matched by \$100 million in nonfederal contributions. The version of HR 1 the Senate approved February 10 included no money. The conferees sided with the Senate and provided no money. (See separate article page 8.)

For his part Senate Energy Committee Chairman Jeff Bingaman (D-N.M.) last week prepared an amendment to add \$2.5 billion in natural resources projects to

the Senate stimulus bill. However, Bingaman pulled his amendment when three Republican senators and Democratic Sen. Ben Nelson (Neb.) struck a compromise on HR 1 with President Obama. The compromise removed \$100 billion from the bill bringing it into the final \$800 billion range. (See separate article on the Bingaman amendment on page 6.)

The compromise among Obama, Nelson and the three Republicans led by Sen. Susan Collins (Me.) made three changes in a final Senate-passed version of HR 1 that eventually were passed on to the conference committee bill.

First, they reduced total emergency fire-fighting money compared to an original committee bill by \$165 million, from \$665 million to \$500 million. The Forest Service share would decrease from \$300 million to \$225 million (it ended up at \$250 million), the state and local share would decrease by \$90 million from \$350 million to \$260 million (it ended up at \$250 million), and the Interior Department share would remain the same at \$15 million (the conferees agreed to \$15 million.)

Second, they would reduce Fish and Wildlife Service resource management by \$25 million from \$190 million in an original Senate bill to \$165 million (the conferees settled on \$165 million.) Finally, Collins and company would delete a \$55 million historical preservation line item under the National Park Service (the conferees settled on \$15 million.)

In total, the conference bill will provide \$3.1 billion for restoration of facilities on federal lands. The original Senate bill would have provided \$3.4 billion.

Other than the three Republican senators who supported HR 1, all other Senate and House Republicans condemned the bill as profligate spending. Said Sen. Mike Crapo (R-Idaho) in a typical statement, "I very strongly oppose this dangerous legislation because we can't spend our way to prosperity. There are better ways to create jobs than this plan, but unfortunately, it appears big

spending is back in Washington, D.C."

Both the House and Senate stimulus bills are written like traditional appropriations bills, but descriptions of the federal lands allocations are brief. They run only a half-dozen pages. While the legislation largely avoids earmarks, it does risk authorizing many billions of dollars for projects that Congressional committees have not considered, or have considered only briefly.

For instance the salient description in a paragraph in the House-passed HR 1 appropriating money for the Bureau of Land Management says, "For an additional amount for 'Construction', \$325,000,000, for priority roads, bridges, and trail repair or decommissioning, critical deferred maintenance projects, facilities construction and renovation, hazardous fuels reduction, and remediation of abandoned mine or well sites." That's all the law says.

Conservationists praised Congress for passing the law. "This is an unprecedented amount of money for clean water and rivers," said Betsy Otto, vice president of strategic partnerships for American Rivers. "It's a real investment in more sustainable water infrastructure for the future, and it will boost health, safety and quality of life in communities across the country."

An alliance of hunting, fishing and conservation groups called the Theodore Roosevelt Conservation Partnership (TRCP) said the bill would do much for the nation's natural resources. "Congress and the administration are keying in on the reality that many investments in quality fish and wildlife resources also are investments in a quality economy," said TRCP President and CEO George Cooper.

Stimulus allocates big money to trails, NPS roads, more

The economic stimulus bill that President Obama signed into law February 17 contains some \$47 billion in surface transportation money, give or take a billion, much of which can be used for

park and recreation purposes.

Within the \$47 billion some \$825 million is set aside for transportation enhancements, according to the Rails-to-Trails Conservancy. While the law doesn't spell out an enhancements appropriation, it does require \$27.5 billion in highway money be allocated within formulas in the current law.

Thus a conference report that accompanies the final bill says, "Set asides are also provided for. . . environmentally friendly transportation enhancements."

Said the conservancy in a bulletin to its members February 18, "Our congressional representatives recognized the role trails, walking and biking play in a balanced transportation system and in our communities. Due to this recognition, they allocated \$825 million - less than two percent of all transportation dollars - to TE in the American Recovery and Reinvestment Act of 2009."

In addition to transportation enhancements the law allocates \$170 million for national parks roads, \$60 million to forest roads and \$10 million to wildlife refuge roads.

The law directs that the \$27.5 billion of highway money in the \$46.7 billion total be apportioned to states within 21 days of law enactment (or by March 9.) And, once the money is apportioned, it directs state and local governments to give priority to "economically distressed areas."

Beyond that the money is to be distributed under the existing surface transportation law, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), according to House Transportation Committee staff members who wrote the provisions.

That means park and rec surface transportation projects are in for a piece of the \$27.5 million. "There is money in the stimulus for parks and recreation provided that a state has that kind of project that qualifies for

federal funds," said a House committee staff member. "Trails certainly qualify."

There was some question on the Hill during the writing of the American Recovery and Restoration Act about the eligibility of park and rec projects for assistance.

Critics such as Sen. John Ensign (R-Nev.) said, according to the Rails-to-Trails Conservancy, "This is not a time to build (bike paths.) If we are going to invest in infrastructure, invest in infrastructure that actually make the economy more efficient, such as roads that are needed."

To which Kevin Mills, vice president of policy for the conservancy, said, "Sen. Ensign does not realize that more trails means people walk and bike more and drive less. This translates into less congestion, healthier people, a healthier planet, more money available to our communities, and much, much more."

It could have been worse for trails if Sen. Jim DeMint (R-S.C.) had had his way. He introduced an amendment that didn't make it to the Senate floor that would have barred use of stimulus money for about any kind of trail. "None of the funds made available under this Act shall be used for bicycle, walking, or wilderness trails or off-road vehicle routes," said DeMint's amendment SA 461.

Meanwhile, House Transportation Committee leaders are concerned that the huge new economic stimulus law will prove a disincentive for Congress to write a surface transportation law this year.

"We are worried that if we do another surface transportation authorization bill too soon after the stimulus people will say we already took care of that," said an aide to House Transportation Committee James Oberstar (D-Minn.) "We have to work around that problem."

For one thing, said the aide, the \$47 billion for surface transportation

in the bill is really not all that much money. "The amount for bridges and highways and transit in the bill amounts to less than one year's allocation under the SAFETEA-LU bill, so the stimulus doesn't take care of six years of problems," he said.

And the staff member noted that the stimulus and surface transportation laws are financed quite differently. The stimulus receives money from emergency, direct appropriations. The surface transportation law is paid for by gasoline taxes set aside for that purpose.

Appropriators did include in the stimulus law a provision that asserts any surface transportation money must be supplemental to regular fiscal 2009 and 2010 appropriations under the Highway Trust Fund, not replace those funds. The law says, "That funding provided under this hearing shall be in addition to any an all funds provided for fiscal years 2009 and 2010 in any other Act for 'Federal-aid Highways' . . ."

SAFETEA-LU, enacted in calendar 2005, expires at the end of this fiscal year on Oct. 1, 2009. The conventional wisdom has been that, given the enormous federal deficit, Congress will have only enough money in the next law for basic highway needs, such as repair of interstates and bridges.

But Oberstar, a dedicated bicyclist, has been talking about a very different new highway bill next year with a much bigger role for outdoor programs than conventional wisdom has it. In public hearings and private conversations Oberstar has said that when his committee writes a new surface transportation law this year a main anchor will be the concept of "livability." By livability he means a transformation in the way Americans live.

The ranking Republican on Oberstar's committee, Rep. John Mica (R-Fla.), is also reportedly concerned about the stimulus bill stripping momentum from a new surface transportation law.

Said one lobbyist who talked to Mica last week, "One good thing is Mica said the stimulus should not be used as justification not to move ahead with a replacement to SAFETEA-LU this year. He was concerned that the stimulus would take some wind out of the move to replace SAFETEA-LU."

Finally, this lobbyist said there was "better than a 50-50 chance that the 111th Congress completes a new surface transportation bill." The 111th Congress of course runs through 2010.

A Park Service official noted that NPS did not receive just \$170 million for park roads from the transportation provision of the stimulus bill. It also received \$180 million from a separate pot of \$589 million in construction money for park roads. "We can use it because much of our maintenance backlog is in roads," said the official. So the total road allocation to NPS is \$350 million.

Bingaman prepared big green-project amendment to stimulus

Senate Energy Committee Chairman Jeff Bingaman (D-N.M.) last week had prepared an amendment to add \$2.5 billion in natural resources projects to the Senate stimulus bill.

However, Bingaman didn't have an opportunity to offer his amendment after three Republican senators and Democratic Sen. Ben Nelson (Neb.) struck a compromise on HR 1 with President Obama. The compromise removed \$100 billion from the bill bringing it into the final \$800 billion range.

Said a Senate Energy Committee staff member, "We were trying to add \$2.5 billion for Interior and the Forest Service but then they came up with the deal to cut the \$100 billion."

Bingaman said on the Senate floor February 7, "Now, the estimates we have from the various public land management agencies are that this additional funding would allow them to create an additional 45,000 jobs between now and the

end of the next fiscal year; that is, the end of September of 2010."

Bingaman described possible projects. "One example in the National Park Service is we need to complete the stabilization construction for the seawall at Ellis Island and the asbestos removal at the Statue of Liberty National Monument," he said. "These are projects that are underway but don't have adequate funding to be completed. We need to repair trails at Olympic National Park."

Thirty-six national and local environmental groups asked the Senate to accept the Bingaman amendment. "These recovery investments for our public lands and wildlife bring both short- and long-term benefits," said the groups. "Our public lands are valuable national assets crucial not only to protecting our natural heritage for future generations, but also as economic engines attracting hundreds of millions of visitors and generating billions in revenue for local communities every year."

Groups signing the letter to all senators ranged from the National Audubon Society to the National Trust for Historic Preservation to Republicans for Environmental Protection to the Outdoor Industry Association.

Bingaman's amendment would have provided \$998 million more than was in the bill to the Park Service, an additional \$870 million for fire fighting, and an additional \$350 million for BLM. The Bingaman amendment was cosponsored by 14 other Democrats.

Bingaman would also have provided assistance to state and local governments. His amendment included \$100 million for the state side of the Land and Water Conservation Fund and \$50 million for state wildlife conservation grants.

Here are the allocations recommended by the Bingaman amendment. They would all have supplemented the amounts in the final bill:

* Park Service construction and manage-

ment, \$998 million.

- * FS capital spending, \$50 million
- * BLM construction and management, \$350 million
- * Wildfire prevention, \$870 million (with \$600 million for the Forest Service and \$250 million for state and local governments)
- * FWS construction and management, \$115 million
- * USGS modernization, no addition
- * State LWCF, \$100 million
- * State wildlife grants, \$50 million.

FY '09 money bills may get their chance next week

Because Congress has been consumed this month with writing an economic stimulus bill it has not had an opportunity to finish up fiscal year 2009 appropriations bills.

So those measures have been held over until Congress returns to work next week.

"We are still contemplating that the 09 omnibus bill will come up next week," said one appropriations committee staff member. "We anticipate the 09 bills will move quickly now that the economic recovery bill is law."

It is still possible that Congress will simply extend fiscal year 2008 spending levels until fiscal 2009 ends September 30. At least that is what Republican appropriators say. A temporary spending bill does extend fiscal 2008 spending levels until March 6.

Still, House and Senate Appropriations Committees have largely reached agreement on the details of fiscal year 2009 appropriations bills and are hopeful of wrapping all nine remaining fiscal 2009 bills into one omnibus spending measure next week.

Meanwhile, the Obama administration is expected to lay out an abbreviated fiscal 2010 budget request late this month or in early March. Details would be provided sometime in April. Appropriators are concerned that work on the finishing up fiscal 2009 appropria-

tions bills will distract Congress from addressing the fiscal 2010 budget.

Legislators and interest groups are already gearing up on fiscal 2010 appropriations. For instance, legislators such as Rep. Raúl Grijalva (D-Ariz.) are asking constituents for their budget priorities. Grijalva's office asked that recommendations be submitted by February 25.

Grijalva also warned, "The submission of an appropriations request does not guarantee that the request will receive federal funding. You will be notified by my office if your project receives funding. Also note that while the Appropriations process begins now, the vast majority of bills will not be considered by Congress until later in the calendar year."

In a separate action more than 25 environmental groups February 18 put in a pitch for substantial funding for conservation programs in fiscal 2010. The groups are well aware that the Obama administration will in all likelihood submit a draconian 2010 budget, in large part because of the \$800 billion stimulus law Congress just enacted.

The groups, including The Wilderness Society and American Rivers, called for appropriations of \$325 million for the federal side of the Land and Water Conservation Fund (LWCF) and \$125 million for state side grants. The combined fiscal 2008 appropriation for both sides of LWCF was \$154.3 million.

For state wildlife conservation grants the organizations asked for \$85 million, or \$11.3 million more than the fiscal 2008 appropriation of \$73.8 million. Finally, for a Forest Service recreation line item the groups recommended a big \$114.1 million increase from \$263 million in fiscal 2008 to \$377.1 million in fiscal 2010.

The groups are hopeful but do not expect to receive those amounts of money. "I will admit at the beginning that this is a bold budget that we're presenting," said Bill Meadows, president of The Wilderness Society. "It

sets what we believe are long-term funding needs for the federal government and the agencies."

Normally, an administration introduces its budget for the next fiscal year on the first Monday in February. But due to the transition to a new administration and the all-consuming work on an economic stimulus bill, the fiscal 2010 budget has been delayed.

This last Congress (the 110th) put off consideration of fiscal 2009 money bills in late September by approving an extension of fiscal 2008 bills until March 6 (PL 110-329 of September 30.)

It is understood there would be little difference between a straight extension of fiscal 2008 spending and the agreements reached by House and Senate appropriators on fiscal 2009 spending.

That the fiscal 2010 budget is delayed also means that appropriations committee hearings will be delayed, other than for oversight. Again, with the details of the Obama budget not expected until April, the committee hearings (and perhaps mark-ups) will also be delayed significantly.

In the following summaries the fiscal 2008 appropriations levels are listed first, followed by the amounts approved by the House subcommittee on Interior appropriations for fiscal 2009 on June 11, 2008, and finally Bush administration recommendations for fiscal 2009:

* STATE LWCF: \$25 million; the same as the House subcommittee on Interior; \$25 million more than the administration request of no money,

* FEDERAL LWCF: \$129.7 million; House subcommittee, \$132.2 million; administration, \$42.5 million,

* URBAN PARKS AND RECREATION RECOVERY: No money; House subcommittee approved no money; administration asked no money,

* FOREST LEGACY: \$52.3 million; House subcommittee, \$43.5 million; administration, \$12.5 million,

* FOREST SERVICE RECREATION:

\$262.6 million; subcommittee, \$278.5 million; administration, \$237 million,

* FOREST TRAILS: \$76.4 million; House subcommittee, \$78.9 million; administration, \$50.4 million,

* HISTORIC PRESERVATION: \$70.4 million; House subcommittee, \$82 million; administration, \$66.7 million,

* SAVE AMERICA'S TREASURES (within Historic Pres line item above): \$24.6 million; House subcommittee, \$25 million; administration \$15 million,

* PRESERVE AMERICA (within Historic Pres line item above): \$7.4 million; House subcommittee, \$5 million; administration, \$10 million,

* NPS OPERATIONS: \$1.971 billion; House subcommittee, \$2.125 billion; administration, \$2.132 billion,

* NPS CENTENNIAL INITIATIVE: \$25 million. The House subcommittee met the administration request for core operations in the above line item, but provided no money for the Centennial Challenge. However, the fiscal 2008 appropriations law did allocate \$25 million to launch the program and would presumably be carried forward into fiscal 2009,

* NPS WASHINGTON, D.C. MALL: The House subcommittee approved \$100 million to upgrade the National Mall even though it wasn't requested. New program,

* NATIONAL FOREST SYSTEM: \$1.506 billion; House subcommittee, \$1.508 billion; administration, \$1.349 billion,

* BLM MANAGEMENT: \$1.008 billion; House subcommittee, \$1.013 billion; administration, \$987 million,

* FWS REFUGE MANAGEMENT: \$434 million; House subcommittee, \$469 million; administration, \$434 million, and

* TOTAL FOR INTERIOR SUBCOMMITTEE BILL: \$26,555 billion; House subcommittee, \$27.867 billion; administration, \$25.764 billion.

Centennial Challenge missing in action in stimulus law

The final version of a huge economic stimulus bill that President Obama signed into law February 17 sets aside no money specifically for a Park Service Centennial Challenge program.

In approving its original version of HR 1 January 28 the House included

\$100 million for a Park Service Centennial Challenge program, with the money to be matched by \$100 million in nonfederal contributions. But a version of HR 1 the Senate approved February 10 included no money. And on February 11 a House-Senate conference committee sided with the Senate and provided no money.

Still, the Park Service believes that some of its stimulus money can be used for Centennial Challenge projects. "We think so," said a spokesman. "They aren't going to be called Centennial Challenge projects any more, but if projects are ready to go, they can use the money. This bill kind of overwhelms the Challenge program anyway."

In addition House Democratic leaders intend to reintroduce last year's challenge bill this year, or a variation thereof. A lead House sponsor Rep. Raúl Grijalva (D-Ariz.) told us last month House Natural Resources Committee Democrats will reintroduce a version of the bill. Grijalva chairs the House subcommittee on National Parks, Forests and Public Lands.

It is also understood that his boss, House Natural Resources Committee Chairman Nick Joe Rahall (D-W.Va.), intends to introduce a variation of last year's bill. Finally, the lead Senate sponsor of a counterpart bill last year, then Sen. Ken Salazar (D-Colo.), reportedly will support legislation in his new job as Secretary of Interior.

The idea of the Centennial Challenge program does enjoy some Republican support because it is widely attributed to Salazar's predecessor as secretary of Interior, Dirk Kempthorne. Thus it also was supported by the Bush administration.

However, in a possibly ominous sign Senate Energy Committee Chairman Jeff Bingaman (D-N.M.) prepared a \$2.5 billion amendment to HR 1 to boost natural resources programs, but he did not include the Centennial Challenge in it. Bingaman did include in his amendment almost \$1 billion for Park Service construction and management in his amendment, some of which could have been used

for Centennial Challenge projects.

On the other hand an alliance of more than 25 environmental groups February 18 endorsed an appropriation of \$100 million for fiscal year 2010. The groups, in releasing a Green Budget, said, "The National Park Service will be 100 years old in 2016. We believe Congress should pass legislation to invest funding above the agency's budget to restore and reinvigorate our parks, seashores, heritage areas, and monuments."

The old Salazar bill included a 10-year, \$2 billion Centennial Challenge program. It would have Congress provide up to \$100 million per year to match a like amount of nonfederal contributions to upgrade the national parks in anticipation of the 2016 National Park System Centennial.

Baucus plans to bring back bill to repeal FLREA

Sen. Max Baucus (D-Mont.) will reintroduce legislation this Congress that would eliminate the heart of a controversial federal recreation fee law called the Federal Lands Recreation Enhancement Act (FLREA.)

Baucus, chairman of the Senate Finance Committee, introduced the bill last year along with Sens. Ken Salazar (D-Colo.), Mike Crapo (R-Idaho) and Jon Tester (D-Mont.) Of some moment Salazar is now secretary of Interior and is charged with implementing FLREA.

After the four senators introduced a predecessor repeal bill in the last Congress it went nowhere. Chances that the legislation will move this year may be dimmed by the national economic recession. The bill could reduce revenues for the Forest Service and the Bureau of Land Management.

But a leading critic of FLREA, Kitty Benzar, president of the Western Slope No-Fee Coalition, said the economic crisis could also serve as an incentive for repeal. "If you look at visitation in the national forest for

the last seven years, they lost 35.5 million visitors per year," she said. "That's a \$1.4 billion loss to local economies. Fees are only one contributing factor but one way to make the public lands more affordable would be to remove the \$50 million per year in fees."

Already the Northern Region of the Forest Service has said it is reconsidering fee increases to developed recreation sites in Montana, northern Idaho and North Dakota.

Baucus's office told the *Billings Gazette* last month that Baucus would reintroduce the repeal bill in this Congress. We sought comment from Baucus's office but that is about the only Senate office that doesn't respond to our requests for information.

The FLREA repeal bill went nowhere in Congress last year although the Senate Energy Committee did schedule a hearing that was subsequently canceled. FLREA was enacted (PL 108-447) on Dec. 8, 2004, in an omnibus fiscal 2005 appropriations bill.

Critics maintain that federal land management agencies - the Forest Service in particular - went overboard in collecting fees under the law, particularly entrance fees to areas that include developed sites.

Last year's bill would have left in place only Park Service entrance fees (as established in a previous law before FLREA), with 80 percent of revenues still retained by collecting NPS units. In other areas the Baucus bill would have:

- * eliminated collection of "standard amenity fees" at developed sites that the 2004 law authorized for the Forest Service, the Bureau of Land Management, and the Bureau of Reclamation,

- * eliminated retention of recreation fees by the agencies and return use fees to the U.S. Treasury,

- * capped entrance fees charged by NPS at \$25 for a single visit by car,

- * \$12 by foot or bicycle, and \$40 for an annual pass (instead of \$15),

- * eliminated a multi-agency American Passport and reinstate the old Golden Eagle and Golden Age Passports charged by the Park Service, and

- * increased the Golden Eagle passport fee from \$25 to \$65.

FLREA established a permanent program that included authority for federal land management agencies to collect user fees; the Park Service and the Fish and Wildlife Service to collect entrance fees; the Forest Service, the Bureau of Land Management and the Bureau of Reclamation to collect access fees to developed recreation sites; and all agencies to sell and honor the new All-American Passport.

For the most part the law allowed collecting offices to retain 80 percent of revenues for infrastructure repair initiatives. And that is where critics, such as the Western Slope No-Fee Coalition, say the law went awry because federal agencies became too eager to make money from fees at the public's expense.

Rep. Bishop, OHVers complain about GAO fed agency survey

A key Republican House member says a Government Accountability Office (GAO) survey of off-highway vehicle (OHV) use on federal lands is "critically flawed."

Rep. Rob Bishop (R-Utah), ranking minority member of the House subcommittee on National Parks, Forests and Public Lands, complained recently to GAO that the office is conducting a survey that is loaded against OHV use. Specifically, Bishop objected to questions to federal land managers that appear to build a database of existing problems with OHV users.

In his letter to GAO Bishop said, "First, the survey is critically flawed because it fails to consider that the Forest Service, BLM and the Park Service are in the process of implementing a

relatively new policy for OHV use on their respective lands."

Bishop went on, "Second, the survey contains numerous questions that are far too subjective, littered with vague terminology, and lacking context."

GAO is preparing the report at the request of the House subcommittee on National Parks, Forests and Public Lands. The subcommittee is chaired by Rep. Raúl Grijalva (D-Ariz.) The report is due for completion this spring.

At the heart of the dispute are ongoing BLM and Forest Service programs to designate specific routes for OHV users. The Forest Service intends to complete its multi-year route designation program by the end of this year.

Larry Smith, executive director for Americans for Responsible Recreational Access (ARRA) said the GAO survey didn't acknowledge the BLM and Forest Service programs. "In the survey of federal land managers no mention is made of the Forest Service travel management role or a similar BLM program," he said. "There is a total absence of acknowledgement that agencies are managing OHVs."

In addition, said Smith, "The survey asked, 'Do you work with environmental groups?' but it doesn't ask 'Do you work with OHV groups?' We would like to see some balance there."

At a hearing of the House National Parks, Forests and Public Lands subcommittee last year an association of former federal, state and local rangers harshly criticized OHV use on federal lands.

Testifying for the association Jack Gregory, a former Forest Service official, said, "My message is simply this: Our public lands are in serious trouble. Irresponsible off-roading has become such a menace that it is now the single greatest threat to American landscapes."

Said subcommittee chairman Grijalva, "Many ORV riders - knowingly

and unknowingly - zoom off designate trails and run over fragile areas, harming resources, and threatening public safety".

Advocates of OHV use complain that GAO's survey appears to follow the lead of the critics and ignore the strides the Forest Service and BLM are taking to regulate OHV use. "OHV enthusiasts, industry, and, of course, the Forest Service and BLM have dedicated immeasurable effort and resources to designating routes that are open for motorized uses," said ARRA's Smith. "Any study or survey that disregards whose efforts is simply not credible."

ARRA also wrote GAO February 5 to complain about the survey. It was joined in the letter by the American Motorcyclist Association, BlueRibbon Coalition, the Motorcycle Industry Council, the National Off-Highway Vehicle Conservation Council, the Off-Road Business Association, the Recreation Off-Highway Vehicle Association, the Specialty Vehicle Institute of America and the United Four Wheel Drive Association.

Omnibus bill delays in the House complicate outlook

Repeated delays in House consideration of an omnibus lands bill (S 22) are increasing the possibility the measure will collapse.

Senate Majority Leader Harry Reid (D-Nev.) has reportedly told House leaders the House must accept a Senate-passed bill or the measure will die. He said the Senate will not take up any revised bill.

At the same time House Democratic leaders are reportedly considering a change to the 161-bill measure to make sure federal lands are available to hunters.

The Senate approved the measure (S 22) January 15 and it has been languishing in the House since. House leaders had scheduled action for last week but that was canceled because they were preoccupied by the stimulus bill.

Complicating the situation, the House intends to take up S 22 under a shaky procedure called "Suspension of the Rules," which requires a two-thirds majority to pass. With conservative western Republicans opposed, the House would have to come up with 291 votes to pass the bill.

There was plenty of criticism of S 22 in the Senate, including of a provision that would certify a 27 million-acre National Landscape Conservation System (NLCS) managed by the Bureau of Land Management (BLM.)

Said bill opponent Sen. Tom Coburn (R-Okla.), "Don't forget there is another big issue with this bill in that we step all over property rights in this country. Even though several of the bills in here say they would not use eminent domain, every one of them still has the right to use eminent domain outside the areas we have created in this bill."

In approving S 22 the Senate clarified that all conservation areas within the California Desert Conservation Area (CDCA) would be considered part of the NLCS. Sen. Dianne Feinstein (D-Calif.) had said last year she would offer an amendment to ensure the entire 10 million-acre CDCA was in the system.

A Senate Energy Committee staff member said, "We put language in the bill that says BLM had listed the California Desert Conservation Area as part of the National Landscape Conservation system. We said the California Desert that is administered for conservation purposes is part of the NLCS."

The bill language says that the NLCS includes "Any area designated by Congress to be administered for conservation purposes, including. . . public land within the California Desert Conservation Area administered by the Bureau of Land Management (BLM) for conservation purposes."

According to BLM the NLCS contains 27 million acres, including 4.8 million acres of national monuments, 14 million acres of conservation areas, 1.4 million

acres of "similar designations," 7.7 million acres of wilderness areas, 13.8 million acres of wilderness study areas, and one million acres of wild and scenic rivers.

The bill, sponsored by Senate Energy Committee Chairman Jeff Bingaman (D-N.M.), contains 161 individual measures. S 22 would designate three new national parks, designate several national trails, designate more than 1,000 miles of wild and scenic rivers, designate, 2.2 million acres of wilderness, and designate 10 national heritage areas, to name a few items.

Among many other things the bill would authorize permanently both a Preserve America program founded by then First Lady Laura Bush and a Save America's Treasures program established by then First Lady Hillary Clinton.

The Senate Energy Committee developed the omnibus lands package based on committee-passed bills. Not all committee-passed bills made the cut because both Democratic and Republican committee leaders enjoyed a veto. The idea was to produce a bill that provides something for everyone on both sides of the aisle. Bingaman said Republicans and Democrats sponsored almost equal numbers of bills in the package.

Notes

Obama team still open on gun reg.

Although the Obama administration has not yet taken a formal position on a new Bush administration rule that allows concealed weapons in national parks and wildlife refuges, the Obama team is not opposing in court a lawsuit against the rule. The Obama Justice Department February 13 filed a response in federal court to a lawsuit against the rule and defended the regulation. However, the department has not yet decided if it will support the rule that went into effect January 9. Secretary of Interior Ken Salazar was noncommittal about the issue last month at a Senate Energy Committee confirmation hearing. When Sen. Richard Burr (R-N.C.) asked Salazar if he would defend aggressively two

lawsuits that have been filed against the rule, Salazar responded, "The President-elect has a good respect for the Second Amendment. I grew up often with a gun next to me in the prairie or next to my bed so I have my own sense of the importance of gun ownership. The rule is subject to litigation. We will take a look at it and see what makes sense in the context of the national parks and also the context of the Second Amendment." Burr serves as the ranking Republican on the Senate subcommittee on National Parks. (See next related item.)

Did Bomar oppose guns in parks?

Former Park Service Director Mary Bomar questioned a Bush administration proposal to authorize concealed weapons in national parks and national wildlife refuges, according to the Brady Campaign to Prevent Gun Violence. The Brady group released a July 31, 2007, letter from Bomar that said, "We believe that the [previous] regulations [restricting guns in parks] provide necessary and consistent enforcement parameters throughout the National Park System." In addition the Brady group released documents that said NPS and Fish and Wildlife Service environmental policy officials recommended an environmental analysis before publication of the regulation. To which former Secretary of Interior Dirk Kempthorne said the rule is "one of my top priorities" and the rule was published Dec. 10, 2008. The Brady Campaign to Prevent Gun Violence brought a lawsuit against the regulation just as it went into effect January 9 along with the National Parks Conservation Association and the Coalition of National Park Service Retirees. (See above item.)

Huge Rockies wilderness bill in.

FPR does not normally report on wilderness legislation, but two significant bills are in the works that would have profound impacts on recreation and national parks in the West. In one Rep. Carolyn Maloney (R-N.Y.) and 40 cosponsors introduced a bill (HR 980) February 11 that would designate some 24 million acres of wilderness. The Northern Rockies bill would designate 9.5 million acres of wilderness in Idaho, seven

million acres in Montana, five million acres in Wyoming and 1.25 million acres in Oregon and Washington combined. The land is managed by both the Forest Service and the Bureau of Land Management (BLM.) Separately, Rep. Maurice Hinchey (R-N.Y.) and more than 100 House members intend to introduce shortly a bill to protect as wilderness 9.5 million acres in Utah. The Red Rock wilderness bill would designate as wilderness 4.5 million acres that are already protected as BLM-designated wilderness study areas. It would also protect another 4.9 million acres that are not currently protected as wilderness study areas.

Rec panel hopes to finish on time.

A blue ribbon recreation commission is tentatively scheduled to meet March 9 with senators who are honorary cochairmen of the panel, according to a commission member. The meeting with Sens. Jeff Bingaman (D-N.M.) and Lamar Alexander (R-Tenn.) is considered an important step toward completion of a commission report this spring. The 18-member Outdoor Resources Review Group (ORRG) met in Washington, D.C., in late January. The ORRG is led by Henry Diamond, a partner with the law firm Beveridge & Diamond, and Patrick Noonan, chairman emeritus of The Conservation Fund. For more information go to <http://www.rff.org/orrq>.

NAS to host climate summit. The National Academy of Sciences (NAS) will host March 30 and 31 a summit on climate change with representatives of the Obama administration, Congress, industry and nongovernmental organizations. The scientists who are organizing the summit hope that it will start a dialogue about what the nation should do next about climate change. Actually, House and Senate Democratic leaders have already sketched out a tentative schedule for writing climate change legislation this year that could provide billions of dollars to conservation programs. Rep. Henry Waxman (D-Calif.) said last month he will attempt to move climate change legislation through the House Energy Committee he chairs by the end of May. Sen. Barbara Boxer (D-Calif.), the chairman of the counterpart Senate Environment and Public Works Committee,

promised this month to move quickly too. Boxer on February 3 outlined her six "principles" for global warming legislation. Among them was to use revenues to "support efforts to conserve wildlife and natural systems threatened by global warming." Previous climate change bills contained billions for conservation.

FS, FWS agree on migratory birds.

The timing is a little strange but the Forest Service and the Fish and Wildlife Service (FWS) announced February 13 they have reached an agreement on the conservation of migratory birds. The timing is strange because the agreement was put together to comply with a 2001 executive order from President Clinton and the agreement was actually executed in December under President Bush. Now it is being announced under President Obama.

At any rate FS and FWS have reached agreement on cooperating on everything from protecting migratory birds from wind energy projects to cooperation in implementing a North American Waterfowl Management plan. The agreement is available at: http://www.fs.fed.us/biology/resources/pubs/mou_moa.html.

Refuge conference this weekend.

Representatives from every state but Wyoming are expected at a conference this weekend held by friends of the National Wildlife Refuge System. Some 300 members of nonprofit groups are scheduled to meet with 150 FWS staff members. Among the issues on the table is the impact of climate change on wildlife refuges. The 2009 National Friends Conference is cosponsored by FWS and the National Wildlife Refuge Association.

Boxscore of Legislation

<u>LEGISLATION</u>	<u>STATUS</u>	<u>COMMENT</u>
Appropriations Interim 2009		
HR 2638 (Price)	President Bush signed into law September 30 as PL 110-329.	Interim spending law extends fiscal 2008 appropriations levels until March 6.
Appropriations fiscal 2010		
No budget yet, no bill yet	Obama administration expected to outline in late February.	No budget information yet.
Appropriations Stimulus		
HR 1 (Obey)	President Obama signed into law Feb. 17.	Allocates some \$3 billion to federal land management agencies to help revive the economy.
Omnibus Bill		
S 22 (Bingaman)	Senate approved January 15.	Includes 160+ individual bills, including NLCS, new national parks.
National Landscape Conservation System		
HR 404 (Grijalva) S 22 (previous item)	Grijalva introduced Jan. 9. Included in omnibus (above.)	Would give NLCS official designation by Congress.
Grand Canyon withdrawal		
HR 644 (Grijalva)	Grijalva introduced Jan. 22.	Would withdraw 1 million acres of federal land near Grand Canyon NP to prevent uranium mining.
Appropriations 2009 (DOI and FS)		
No bill number yet.	House subcommittee approved June 11.	Would provide modest increases for most park and rec programs.
Appropriations 2009 (Energy & Water)		
No House bill number yet S 3258 (Dorgan)	House subcommittee approved June 25, Senate committee July 10.	Would increase Corp of Engineers and Bureau of Reclamation spending.
Appropriations 2009 (Transportation)		
No House bill number yet S 3261 (Murray)	House subcommittee approved June 20, Senate committee July 9.	Would provide funding for park are rec programs, as called for by SAFETEA-LU.
Congressional Budget 2009		
H Con Res 312 (Spratt) S Con Res 70 (Conrad)	House gave final okay June 5. Senate gave final approval June 4.	Would increase natural resources spending but mostly for Hurricane Katrina.