

Federal Parks & Recreation

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Senate climate bill would provide billions for outdoors

It's a long, long shot, but the mammoth climate change bill (S 3036) now before the Senate would guarantee literally billions of dollars to outdoor programs over the next decade.

That includes a guaranteed allocation to the Land and Water Conservation Fund (LWCF) of \$900 million per year.

The money for conservation would come from a National Wildlife Adaptation Fund and a State Wildlife Adaptation Fund. The funds would receive a significant share of the \$6.2 trillion the bill would raise over the next decades from the sale of emission allowances. According to a coalition of 170 environmental groups, the provision would allocate an average of \$7.2 billion per year for 20 years to federal, state and local conservation programs.

The obstacles before the bill are nearly overwhelming. First and foremost, the Bush administration objects to the \$6.2 trillion price tag and promises a veto.

Second, Congress is deeply divided about how best to address climate change and almost certainly won't complete a bill this year. Third and most immediately, Sen. Bob Corker (R-Tenn.) has prepared several amendments that would cancel the adaptation funds. In their place Corker would distribute the money directly to taxpayers in the form of a rebate.

For all those problems, S 3036 still puts on the table in a serious proposal a lifesaver for conservation programs that have been starved for money for the last decade. Even if S 3036 goes nowhere this year, it establishes a template for the next Congress.

Said the coalition of 170 conservation groups, "These important subtitles recognize the need to incorporate climate science and policy direction into natural resources conservation planning and provide the investment in natural resources conservation necessary to address climate change's unavoidable impacts."

S 3036 is on the Senate floor right now and probably won't be completed for at least another week. It was introduced by Sen. Barbara Boxer (D-Calif.), chairman of the Senate Environment and Public Works Committee. Boxer modeled her bill on a measure introduced by Sens. Joe Lieberman (I-Conn.) and John Warner (R-Va.) Although the Senate has begun work on the bill it is not clear when it will address the Corker amendment(s.)

The House is proceeding more slowly. The House Energy Committee is still in the hearing phase.

Although the details are complicated, the adaptation fund provisions in S 3036 are fairly straightforward. They would use revenues from the auction of the rights to produce emissions, called cap-and-trade. Those sales would bring in an estimated \$6.7 trillion through 2050 by Boxer's estimate.

The revenues would then be allocated to dozens of programs including the conservation funds. The funds would receive about five percent of the pie, or roughly \$7.2 billion per year. The Adaptation Fund would then reallocate the \$7.2 billion to numerous conservation programs. In the Interior Department that includes wildlife restoration, endangered species protection, cooperative grant programs, etc.

The funds would set aside enough money for LWCF to meet its current authorization of \$900 million per year. Within LWCF the provision would subdivide the money further, providing one-third or \$300 million for Interior Department land acquisition, one-third or \$300 million for Forest Service land acquisition, one-sixth or \$150 million for state-side LWCF grants with an em-

phasis on adaptation projects, and one-sixth or \$150 million to states for a Forest Legacy program managed by the Forest Service.

The provision would authorize the state LWCF grants program to receive other streams of revenues, presumably allowing LWCF to exceed its \$900 million cap with money from appropriations, a new program providing extra royalties from offshore oil and gas leasing, and other sources.

Other provisions of the funds would provide unspecified percentages of auction revenues to the Forest Service for general adaptation activities, to EPA, to the Corps of Engineers with an emphasis on aquatic ecosystem restorations and to the Department of Commerce with an emphasis on coastal ecosystem restoration.

Thirty-one hunting and fishing groups such as the International Game and Fish Association praised the legislation in a letter to senators. "This carefully-crafted proposal, which enjoys broad support from the hunting and fishing conservation organizations and many others, will help ensure the long-term survival of fish and wildlife by providing important new resources to address the unprecedented impacts that climate change will have on fish, wildlife, and their habitats," they said. "Conserving these resources should be a top priority for the nation."

Some 170 environmental groups laid out the bill's benefits in a separate letter to senators. "Adaptation activities would include providing the necessary resources for federal and state land and water managers to ensure the nation's complex network of federal and state lands, including parks and refuges, preserves, and forests, and the nation's water resources, such as estuaries, rivers, lakes and wetlands, are able to adapt to climate change's impacts," said the groups, ranging from the Adirondack Council to the Wisconsin Wildlife Federation.

The adaptation funds resemble a conservation-funding program that Con-

gress established in fiscal year 2001. Called CARA-lite (Conservation and Reinvestment Act), it provided some \$1.5 billion per year for land acquisition, wildlife conservation grants, Forest Legacy and other programs. But Congress stopped funding it after two years.

When the Democrats recaptured Congress two years ago Rep. Norman Dicks (D-Wash.), chairman of the House subcommittee on Interior appropriations, talked of a revival of CARA-lite. But no bill has been introduced to do that.

EMERGENCY FIRE FIGHTING: Separate from the adaptation funds S 3036 would make available \$1.1 billion per year for emergency fire fighting above normal annual fire suppression costs. The Forest Service would receive up to \$800 million per year and the Interior Department \$300 million. The bill would establish a discreet fund with guaranteed money.

House Centennial report near; administration discusses

It's normally a routine procedural step taken by committees after they mark up legislation. But when the House Natural Resources Committee files a report on a Park Service Centennial Challenge bill (HR 3094) shortly, it will carry more weight than usual.

That's because the report will commit the House to (1) take up HR 3094 and (2) force the House to find a way to pay for it. And finding a way to pay for it has been THE major obstacle in front of the Bush administration's Challenge proposal.

"It's another step in the process," said Tom Hill, legislative representative for the National Parks Conservation Association. "Getting the bill report filed will get us one step closer."

The House committee approved HR 3094 May 7 with no member voting no. However, committee Democrats and Republicans are not in accord on how to provide \$100 million per year in guaranteed money - outside the appropriations pro-

cess - to finance matching partnership grants.

Supporters of the legislation in Congress and among interest groups have recommended a broad array of offsets and, in the end, they expect a package of items will be needed. Most proposals have some built-in deficiency, such as guaranteed opposition from offended interests. "There is a lot of talk going on among (the Office of Management and Budget), Interior and the House Natural Resources Committee," said one insider.

Indeed, a broad alliance of interest groups marching as the Centennial Challenge Coalition met June 2 with Council on Environmental Quality Chairman James L. Connaughton and Office of Management and Budget Associate Director James T. Bates.

On the all-important problem of finding revenues to offset the \$1 billion cost of the program Bates reportedly said the administration has done its part by submitting an array of recommendations to Congress, such as royalties from new energy development in Alaska and other energy initiatives.

But those proposals offend Democrats (drilling in Alaska) and Congressional Republicans (the other energy initiatives that would cost industry.)

The interest groups reportedly attempted to convince the officials that the program is near and dear to the President's heart and they hoped the administration would help search for offsets. The groups include the Pew Charitable Trusts, the National Parks Conservation Association and the American Recreation Coalition.

Supporters are now evaluating a possible new offset based on the sale of an America The Beautiful Passport in Europe. The proponents would peg the passport at 80 Euros and apply the difference - about \$45 - to the Centennial Challenge program. The passports would be tailored to different languages and provide new perquisites, such as access to translated website information.

No one knows how many passports could be sold. Said Derrick Crandall, president of the American Recreation Coalition, "At a minimum we think 100,000 could be sold almost immediately generating about \$5 million. At the upper level some people think we could sell 2 million."

Further, said Crandall, "The Park Service last year had about 275 million visitors and we think 10-to-15 percent of those were international visitors. Looking at 30 million foreign visitors some people think we might be able to sell 2 million passports and generate \$88 million."

The beauty of the proposal is it would be new money with no strings attached. Most other proposals have strings attached.

House Natural Resources Committee Democrats first considered unspecified fees on users of federal lands. That did not go over well with commodity users of the public lands.

Other recommendations considered by the committee include a two percent levy on the state share of federal oil and gas leasing royalties, cancellation of an ultra-deepwater offshore oil and gas research program and a levy on each application for permit to drill for oil and gas on federal land. Those proposals did not go over well with western Congressmen.

Committee Republicans (and the Bush administration) have also recommended authorization of oil and gas drilling on the coastal plain of the Arctic National Wildlife Refuge, with some royalties going to the Centennial Challenge. And the committee Republicans have suggested allocation of revenues from timber salvage sales. Both of those proposals are unacceptable to committee Democrats.

Sen. Ken Salazar (D-Colo.) is also searching for revenues for his counterpart Senate bill (S 2817.) Unlike the House committee he wrote into his bill two offsets - \$90 million from Outer Continental Shelf oil and gas revenues that exceed projections and \$10 million

from special postage stamps. The Senate Energy Committee has not yet scheduled a hearing on S 2817.

However, an aide to Salazar said the committee may not need a new hearing. "The (Senate Energy) Committee had a hearing on the Administration's original proposal last year," she said. "Even though our bill is slightly different from that proposal, the ENR Committee would not necessarily need to have an additional hearing on our bill. The next step would be to get the bill into mark-up which could happen sometime this summer."

The Bush administration's Centennial Challenge proposal would have Congress guarantee \$100 million per year to be matched by \$100 million per year in partnership grants. The \$200 million would be used to improve the National Park System outside core operations in time for the system's 100th birthday in 2016.

For the third leg of the stool the administration has proposed a \$100 million per year increase in standard appropriations for Park Service operations.

As for the substance of HR 3094, the House committee-passed bill approximates the Senate bill (S 2817.)

That is, the bills 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.

However, the committee bill doesn't specifically require matching grants. Both the administration and potential partners have complained that raises the possibility that partners will offer matches that are not met one-to-one by the federal government.

California, New Jersey govts will keep parks open in 2008

The governors of California and New Jersey granted reprieves last month to dozens of state parks that were facing closure because of huge budget deficits.

New Jersey is out of the woods because Gov. Jon Corzine (D) said the state could make up its budget deficit without closing parks. Said a spokeswoman for the Department of Environmental Protection, "There will be no park closures."

Corzine's fiscal year 2009 New Jersey budget had originally projected a 25 percent reduction in spending for state parks, forcing at least a partial closure of major state parks, forests and recreation areas. The budget would have chopped \$8.8 million out of a \$34 million fiscal 2008 budget, according to the National Trust for Historic Preservation.

California Gov. Arnold Schwarzenegger (R) in a May revision of his proposed fiscal year 2008-2009 budget recommended that the budget for California State Parks not be cut. His original January budget would have closed in whole or in part 48 parks.

"The amended budget would restore all money for state parks, \$13.3 million," said a spokesman for California State Parks. "Of that, \$11.8 million would come from the general fund and another \$1.5 million from an increase of \$1 to \$2 in fees charged at selected parks."

"Our budget is now made whole," said the spokesman. "The budget now goes to the legislature which must pass it by June 30 for the fiscal year beginning July 1. But the budget is likely to stay that way."

In a separate step, the California Assembly may have come up with a long-term solution for California State Parks May 28 when a crucial subcommittee approved by a four-to-one vote a \$282

million boost. The money would come from a flat \$10 per vehicle license fee surcharge, as proposed by Assemblymember John Laird (D.)

Not only would the money be used to keep parks open, it would also allow the state to eliminate entrance fees to parks. After a deduction of \$40 million in foregone entrance fees, the license fee would allocate \$120 million to a maintenance backlog in the parks, \$60 million to increase operations and \$62 million for deferred maintenance.

The California State Parks Foundation lauded the proposal. "California State Park Access Pass is a proposal to provide much-needed funding for the state park system, while offering Californians free day-use access to their state parks," said the foundation.

The Laird proposal would not affect the near-term, fiscal 2008-2009 budget problem. "This is a totally separate proposal from the governor's budget," said the parks official. "Sen. Laird's proposal doesn't do anything about the parks closure issue."

The proposed California cutbacks would have marked the continuation of a long trend in California of decreased allocations to parks from the legislature's general fund. That decline has partially been offset by increased fees and other sources of revenues for the parks.

Under the cutback proposal California State Parks would have applied several screens before deciding which units to shut down. A first screen would have determined which units practically could be closed. Some, such as the Sonoma Coast State Park, have multiple entrances and couldn't be effectively closed down.

A second screen would have determined how many people used a unit. The lower the attendance the better the candidate for closure. And a third screen would have determined revenues generated. The lower the revenues the better the candidate for closure.

The California State Parks spokesman said the agency's revenues from the general fund decreased from \$175 million in fiscal 2006-07 to \$161 million in fiscal 2007-08 to a projected \$150 million in fiscal 2008-09.

Put another way the state spent \$4.16 per visitor to state parks in 1990-91 and, under the initial 2008-9 Schwarzenegger budget, would spend \$2.80 per visitor in 2008-09.

When New Jersey Gov. Corzine's budget first proposed widespread park closures, the environmental group Public Employees for Environmental Responsibility (PEER) objected. It said the New Jersey Department of Environmental Protection is already failing to collect millions of dollars in fees from corporations that use state lands. Those fees are due from oil companies, power companies and farmers who pay below market rent to use public lands, said PEER.

On May 7 Department of Environmental Protection Commissioner Lisa Jackson told employees that there would be no reductions in force (RIFs). "As you know, we did roll out a preliminary RIF plan primarily affecting our State Parks on April 1, 2008," she said. "Since that time our Governor has publicly supported keeping services in our State Parks open."

NPS entrance fee freeze pleases some critics

The Park Service has frozen entrance fees for all national parks for this summer, ostensibly to catch its breath and evaluate the fee program.

NPS officials discount the notion that director Mary Bomar ordered the freeze in response to complaints about declining visitation in the parks from commercial interests in and near parks.

"Actually, visitation went up a little last year," said a Park Service spokeswoman. In fact, in calendar 2007 visitation did increase just over one percent, rising from 272,623,980 in 2006

to 275,581,547 in 2007, according to NPS statistics.

Over the last few years the Park Service has been restructuring its fees, grouping parks into four separate categories of costs, such as largest parks, smallest parks, etc. At the same time some parks have hiked entrance fees from \$15 to as much as \$40. "We want to see how it settles out," said the spokeswoman.

An interest group that tracks federal fee policy, the Western Slope No-Fee Coalition, welcomed the freeze. Kitty Benzar, president of the coalition, said her group normally doesn't participate in Park Service fee debates because the fees are relatively non-controversial.

But, Benzar said, "Their policy was by 2011 to increase fees every three years. We normally don't get involved with National Park Service issues, but they have come up with a plan that treats the national parks as just another commodity."

Fee revenues provide significant income to NPS, an estimated \$175 million in fiscal year 2008. However, unlike other federal land management agencies the Park Service is in line for large budget increases in fiscal 2009 from a Bush administration Centennial Initiative. It proposes a \$300 million per year increase in spending on the parks.

For the immediate future NPS had established a fee rate increase schedule for all parks for 2006, 2007, 2008 and 2009. That schedule, for instance, called for an entrance fee increase for Crater Lake National Park from \$10 per vehicle in 2007 to \$20 this summer.

Benzar said there has been resistance to the NPS plan. "(Rep.) Peter DeFazio (D-Ore.) was hot under the collar over increases at Crater Lake. There was push back there. And there was push back at other parks. I don't know if there was cause-and-effect."

Indeed DeFazio said in January, "It doesn't make sense to increase park

fees while national parks are struggling to attract visitors. I am concerned that the increase in fees at Crater Lake will discourage regular visits by Oregon families." DeFazio complained to Secretary of Interior Dirk Kempthorne at the time about the doubling of fees for Crater Lake and Lava Beds National Monument.

Meanwhile, as *FPR* reported in the last issue, the Park Service is closing in on a new tourism policy that would not only address a flat visitation rate but also the quality of park visits.

A draft of the policy has been around for a year and regional directors have been briefed on its contents. The next step will be a presentation to the NPS National Leadership Council. A date for that presentation has not been set. A final policy is a couple months away, NPS said.

Although NPS has frozen entrance fees, it will continue to increase user fees. For instance for the Intermountain Region in Bryce Canyon National Park the fee for the Sunset Group Campground will increase from \$30 to \$40, while a North Loops A and C will barely increase from \$14 to \$15.

In one memo we obtained on the fee freeze the Park Service put out the word March 20 to the Intermountain Region Director from Jill A. Pendry, acting assistant director of Business Services for NPS.

"The Director has decided that it is in the best interest of the NPS to freeze entrance fees at the 2007 levels and not implement any new fee (entrance or expanded amenity) in 2008," wrote Pendry. "However, the Director has concurred that a number of already established expanded amenity fees could be increased for 2008, since expanded amenity fees require comparability studies and are more routine in nature."

Overflights bill is blocked by extraneous Senate fights

The burial ground of legislation - the Senate floor - threatens to claim a

bill (HR 2881) that could resolve an impasse over national park air tours.

The legislation would exempt many parks from a current law that requires the parks to write plans governing overflights. In the eight years since Congress directed parks to write overflight plans, not one has been completed.

The overflight provisions were not an issue when HR 2881 reached the Senate floor last month. "We have worked out the kinks of the overflight provisions in the bill," confirmed a minority staff member on the Senate Commerce Committee.

One sticking point in the underlying legislation to reauthorize Federal Aviation Administration (FAA) programs is a provision that would provide pension guarantees for airline employees. Another complicating provision would provide a fix to provide \$5 billion to make up a shortfall in the Highway Trust Fund.

The overflight provisions 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.

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 authorize parks with fewer than 50 overflights a year to skip the writing of an overflight plan, compared to the Senate's 100.

Senate consideration of HR 2881 ended May 7 when Republicans objected to proposed amendments to HR 2881 dealing with airline employee pensions and the Highway Trust Fund.

The Republicans argued that the

pension provision is outside an agreement senators from both parties reached on the legislation in the Senate Commerce Committee and Senate Finance Committee. In a key 49-to-42 vote (60 votes needed) the Senate May 6 failed to defeat a filibuster, meaning the bill was removed from the floor.

A Senate Commerce Committee Democratic staff member said she had no idea when the legislation could be revived, or if it could be revived. She said the ball was now in the court of Senate Majority Leader Harry Reid (D-Nev.)

Indeed Reid has offered his own complicating amendment to HR 2881 that involves overflights. It would exclude all aircraft noise in establishing regulations for Grand Canyon National Park, not just air tour noise.

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 is for air tour operators. Reid would extend the exception to high-flying jetliners and other aircraft.

Congress wrote a second major overflight law, the National Parks Air Tour Management Act of 2000 (PL 106-181 April 5, 2000), to guide the FAA and NPS in coping with ever-larger numbers of air tours over the national parks, and in reaction to high-profile accidents. FAA says it has received applications to fly over more than 100 national parks and six tribal lands from 91 different air tour operators.

The act exempted Grand Canyon National Park and parks or tribal lands in the state of Alaska because the Grand Canyon Act of 1987 guides them. The 2000 act also prohibits air tours over Rocky Mountain National Park.

FAA and NPS say they have failed to complete regulations governing air tour plans for a number of reasons, including the distraction of the 911 terrorist attacks, lack of funding and disagreements between NPS and FAA.

High gas prices may affect rec programs tied to SAFETEA

Park and recreation programs financed by the Highway Trust Fund are in the crosshairs of the record increases in the price of gasoline.

Because the gasoline tax that finances the fund is based on a flat 18.4 cents per gallon, revenues go up and down with miles driven. And \$4 per gallon gas is persuading Americans not to drive as much.

As a result the Highway Trust Fund, already projected to come up \$3.2 billion short on October 1, will need far more than that to keep highway and transit programs going. And, when times are tight, Congress and states will almost certainly demand that fund money be spent on road and bridge construction, and not trails and byways.

"We're hoping to resolve this in the appropriations process," said a House Transportation Committee staff member. "We hope to make up for the shortfall there to make SAFETEA-LU level." SAFETEA-LU is of course the Safe, Accountable, Flexible, Efficient Transportation Equity Act, of August 10, 2005 (SAFETEA-LU) that provides billions of dollars for trails and other outdoor programs.

The Senate has attempted to meet the \$3.2 billion shortfall in the Highway Trust Fund for fiscal year 2009 by adding money to a bill (HR 2881) to reauthorize the Federal Aviation Administration. However, on May 6 the Senate was unable to overcome a Republican filibuster led by Sen. Ted Stevens (R-Alaska.) The vote was 49-to-42 to close debate and 60 votes were needed. Stevens and company objected to extraneous provisions, i.e. the Highway Trusts Fund money, in an aviation bill.

Warned the American Association of State Highway Transportation Officials, "If no action is taken, a number of states will begin their fiscal years on June 30 with no assurance that they will receive the amount of federal funding

guaranteed under SAFETEA-LU. In addition, the House and Senate transportation appropriators will be unable to act on a Fiscal Year 2009 spending bill without assurance that the shortfall will be remedied."

SAFETEA-LU is due to expire at the end of fiscal 2009 on Sept. 30, 2009. House and Senate committees anticipate they will do little work this year on writing a successor bill to SAFETEA-LU, so the work will be thrown into the next Congress. When the next Congress does begin writing a new bill, park and rec programs will be at great risk.

Park and rec programs will however have two important champions: House Transportation Committee Chairman James Oberstar (D-Minn.) and House subcommittee on Highways and Transit Chairman Peter DeFazio (D-Ore.)

Said an aide to Oberstar, "When it comes time to write the next surface transportation law Oberstar and DeFazio are going to support recreation and enhancements. Those programs are important in their home states. They feel the programs are good for communities and good for the country."

The staff member added, "We are facing a financial squeeze at the same time we are trying to enlarge the pie. We haven't figured out how to do that. We won't get into the funding issue until next year. I can't tell you what will happen to recreation programs. I can only tell you that Oberstar and DeFazio will support them."

Sportsmen sort out winners and losers in new farm law

Now that the dust has settled a bit, conservationists are identifying their wins and losses in the big multi-year farm bill that was enacted May 23 over President Bush's veto (PL 110-234.)

On the upside they are pleased that the law will provide an extra \$4 billion for conservation programs over the next five years. On the down side they are concerned that HR 2491 will

decrease a conservation reserve program (CRP) cap from 39.2 million acres to 32 million acres.

Sportsmen are not of one mind. "We have 15 member groups and when it came down to the end folks felt differently about it," said Geoff Mullins, initiative manager for the Theodore Roosevelt Conservation Partnership. "We're still focused on looking at the details."

Mullins said the conservationists are now going to turn their attention to the Department of Agriculture implementation of a bill that the White House opposed. "There are a lot of nuances that could affect the programs," said Mullins.

President Bush vetoed the farm bill May 21 for wasteful spending. "It continues subsidies for the wealthy and increases farm bill spending by more than \$20 billion, while using budget gimmicks to hide much of the increase," he said.

Bush criticized these conservation-related provisions: "This legislation is also filled with earmarks and other ill-considered provisions. Most notably, H.R. 2419 provides: \$175 million to address water issues for desert lakes; \$250 million for a 400,000-acre land purchase from a private owner; funding and authority for the noncompetitive sale of National Forest land to a ski resort (Bromley Mountain Ski Resort, Inc. in Vermont); and \$382 million earmarked for a specific watershed."

But Democrats and Republicans quickly joined forces to overturn the President's veto. The House May 21 voted 316-to-108 against the President and the Senate May 22 voted 82-to-13 against Bush.

Depending on who is doing the estimating the bill would either provide \$5.1 billion more for conservation programs over five years (Sen. Tom Harkin (D-Iowa) or \$4 billion (Sen. Mike Crapo (R-Idaho.) Either way there will be more money in the pipeline. Here's what happened to a few programs:

CONSERVATION RESERVE PROGRAM: net loser, but program is continued. The law reduces the cap on acreage that the federal government will pay farmers to leave idle from 39.2 million acres to 32 million acres. That was probably inevitable in today's markets where a farmer can make far more than the \$50 per acre the government pays for CPR by growing corn and wheat.

WETLANDS RESERVE PROGRAM: net loser, but program is continued. The law authorizes enough money to add about 200,000 acres per year (\$1.4 billion over five years), but the old authority financed the addition of 250,000 acres per year.

SODSAVER PROGRAM: big loser. The old law provided disincentives to farmers who wanted to cultivate their land, such as reduced insurance credits and reduced production payments. The new law would apply those provisions only to the five Prairie Pothole states (Montana, North Dakota, South Dakota, Iowa and Minnesota) and governors of the five states have to opt in. Said Mullins, "If they have the option, it's safe to say none are going to use it."

GRASSLANDS RESERVE PROGRAM: net loser, but program is continued. The law authorizes enough funding to preserve 1.2 million acres, but the old authority capped it at 2 million acres.

OPEN FIELDS: big winner. The program is designed to provide incentives to private landowners to open their lands to hunters and fishermen. The House and Senate had each earlier approved \$20 million per year for five years of guaranteed money, but the conferees reduced that to one big \$50 million allocation, to be used over five years.

Urban parks conference will feature big hitters in field

A Who's Who of conservationists and nonfederal park officials is slated to convene in September in Pittsburgh for an international conference on urban parks.

Titled *Body and Soul: Parks and the Health of Great Cities*, the conference is expected to host an estimated 300-to-350 attendees for sessions ranging from broad policy to practical management advice to walking and boating tours of Pittsburgh's outdoor landmarks.

The September 21-23 conference marks the 250th anniversary of Pittsburgh and the renaissance of the city in the last 20 years. In that time the city has cleaned up the three rivers that course through it - the Ohio, the Monongahela and the Allegheny - and conducted a \$60 million restoration of its park system.

Three keynote speakers are set: Luis Garden Acosta, founder of the human rights group, El Puente. He has played a lead role in the construction of parks and open spaces in New York. He will offer an opening address.

Teresa Heinz, a noted philanthropist, will deliver an address at a keynote dinner. Heinz, wife of Sen. John Kerry (D-Mass.), is chairman of the Howard Heinz Endowment and the Heinz Family Philanthropies.

Richard Louv, whose book *Last Child in the Woods*, is considered a classic, will address a general session. Louv is founder of the Children & Nature Network.

The program identifies 68 moderators and speakers, including numerous state and local park agency heads from around the country and the leaders of conservation groups such as the National Audubon Society and the Trust for Public Land. Speakers and moderators are also expected from the United Kingdom, Germany and Australia.

The City Parks Alliance and the National Association of Olmsted Parks jointly host an urban parks conference every two years, with the last one in Chicago in 2006. "Because of the green renaissance of Pittsburgh we thought this was an appropriate site," said a spokeswoman for the Pittsburgh Parks Conservancy.

Says the conference invitation, "Over the past 20 years, Pittsburgh has reinvented itself, rising from the ashes of the industrial era to become a leader in higher education, green-building technology, and medicine. Ecological restoration of the once foul Three Rivers has returned these majestic waterways to the people, who can enjoy them from wonderful riverfront parks."

The registration fee is \$400. More information is available at <http://www.urbanparks08.org/> or http://www.pittsburghparks.org/_102.php.

FWS begins duck-hunting regs process; survey under way

The Fish and Wildlife Service (FWS) posted notice in the *Federal Register* May 28 that it will, as usual, prepare regulations that open the way for migratory bird hunting season this year.

FWS will be guided by an annual report that counts breeding ducks and geese around North America. That report will be particularly important this year because in 2007 the survey counted populations that were almost 25 percent greater than a 50-year average.

"We'll make an interim report in mid-June to early July based on early surveys," said a FWS spokesman. "In early August we'll have all the data from the pilots and put together a status report."

Survey flights are already under way in states in more southern latitudes. "But further and further north in boreal forests the geese have not even started to breed," said the FWS official.

The May 28 notice is pro forma. Under federal law states may not allow migratory bird hunting unless they and FWS establish hunting seasons and bag limits. FWS at this point is simply letting the world know it will prepare regs this year in association with the states.

Last year, backed by the substantial jump in duck breeding populations, FWS established liberal hunting seasons for the late fall-winter season. That translated into a 60-day season in the Atlantic and Mississippi Flyways, a 74-day season in the Central Flyway, and an 107-day season in the Pacific Flyway.

FWS said the 2007 count was 14 percent above the 2006 total.

That's the good news. The bad news is that the Government Accountability Office (GAO) said last year FWS will need 150 years to reach its goal of protecting 12 million additional acres of wetlands and grasslands for duck habitat.

GAO said FWS has protected only 3 million new acres since the inception of a Small Wetlands Acquisition Program in the 1950s. At that rate GAO said FWS won't reach its total goal of 15 million acres protected.

GAO recommended for the immediate future that FWS spend its money more efficiently to acquire land. FWS currently spends about \$17 million per year in acquisitions in the Prairie Pothole Region.

GAO said the service could raise more money from increasing Duck Stamp fees or Congress could approve larger appropriations for the Land and Water Conservation Fund. The GAO report, *At the Current Pace of Acquisitions, the U.S. FWS Is Unlikely to Achieve Its Habitat Protection Goals for Migratory Birds*, is available at: www.gao.gov/cgi-bin/getrpt?GAO-07-1093.

Notes

Congress almost done with budget. The House and Senate were trying again at press time to complete a fiscal year 2009 Congressional budget and open the way for consideration of domestic appropriations bills. A House-Senate conference committee reached agreement on the budget (S Con Res 70) May 20. The Senate June 4 approved the conference agreement by a 49-to-47 vote. The House

was preparing to vote on the conference agreement at press time June 5. A completed budget will establish a cap on domestic spending to guide House and Senate Appropriations Committees. Appropriators and Congressional leaders will then assign spending caps for each individual money bill. That in turn will open the way for the House Appropriations subcommittee on Interior and related agencies to begin work on a fiscal 2008 money bill. The Congressional budget process lay dormant for two months this spring, but perked up May 20 when House Budget Committee leaders reached agreement with Senate Budget Committee leaders. In the natural resource portion of the budget (Function 300) the conferees approved a large \$7.3 billion increase in budget authority, rising from \$33.1 billion in fiscal 2008 to \$40.5 billion in fiscal 2009. That wouldn't necessarily translate into more park and rec spending because most of the increase is ticketed to Hurricane Katrina recovery. However, S Con Res 70 does call on appropriators to reject Bush administration proposals for substantial spending reductions for federal land management agencies, particularly the Forest Service. The Bush administration has proposed huge decreases for the National Forest System to offset increased fire suppression costs. But the conferees said, "(The budget) also increases funding for a number of other programs throughout the Department of the Interior and the Forest Service." The budget does not specify which programs should increase, nor by how much. The budget also would make room for a National Park Service Centennial Challenge Fund, but it does not provide any money for it. As always, sponsors of the legislation must come up with budget offsets to pay the \$1 billion cost of the program. The budget endorses the fund "so long as it complies with the pay-as-you-go principle." (See related article page 3.)

Valley Forge project boosted. A local planning commission May 28 approved the construction of a controversial resort on 78 acres of private land within the Valley Forge National Historical Park. If the Lower Providence Township Board of Supervisors endorses

the planning commission action this summer, as it is expected to do, the project will be green-lighted. The money for the \$250 million project is expected to come from a \$20 million grant from the Commonwealth of Pennsylvania and contributions from private individuals, foundations and corporations. The National Parks Conservation Association and the Coalition of National Park Service Retirees (CNPSR) say the middle of a national historical park is no place for a private museum/resort. They are asking Secretary of Interior Dirk Kempthorne to intervene to halt construction. In March the retirees complained NPS and Interior Department leaders have not backed the superintendent of the park in objecting to the project. Although Kempthorne and NPS officials have subsequently objected, the parks advocates are asking for stronger medicine. CNPSR sent a letter to Kempthorne requesting that he use his authority under the 1916 Organic Act to stop the project. CNPSR said the proponent of the resort, the American Revolution Center, has exerted "intense political pressure." The president of the American Revolution Center, Thomas M. Daly, describes it as a museum cum conference center. The center's Board of Scholars includes such noted figures as historian David McCullough as founding chairman.

NRPA boosts veterans program. An association of state and local government park and rec agencies is backing legislation (HR 4255) that would provide therapeutic recreation assistance to wounded service members and veterans. The National Recreation and Park Association (NRPA) says military hospitals and related facilities are treating a large number of wounded service members. "Public parks and recreation agencies can significantly support these efforts through quality community therapeutic recreation and recreation programs, services and facilities," says NRPA. So the association has endorsed HR 4255 from Rep. Bob Filner (D-Calif.) that would authorize up to \$10 million for Paralympic programs. HR 4255 would make a grant to the U.S. Olympics Committee, which would then relay grants to supporting communities. The Department

of Veterans Affairs would manage the program. A Senate bill has not yet been introduced.

Opening of Yellowstone pass asked.

A study group assembled by the National Park Service recommended June 3 that the hotly-disputed Sylvan Pass entrance to Yellowstone National Park be kept open in future years. The Park Service opened the pass this past winter despite its concerns about the danger posed by avalanches. Yellowstone deployed a combination of forecasting and explosives to keep the pass safe. The study group recommended that that policy be extended into future years between December 22 and March 1. The group asked the director of the NPS Intermountain Region to amend his Nov. 21, 2007, record of decision in accordance with their recommendations. The Sylvan Pass dispute is an offshoot of the greater debate over snowmobile use in Yellowstone. The Nov. 21, 2007, record of decision approved up to 540 snowmobiles per day and 83 snowcoaches in Yellowstone for the 2008-2009 season, and henceforth.

11 historic sites cited.

The National Trust for Historic Preservation has named its annual list of the 11 most endangered sites in the country. Heading the list is the entire California State Park System. As *FPR* has reported Gov. Arnold Schwarzenegger (R-Calif.) has proposed closing 48 parks under his fiscal year 2008-2009 budget (see separate article page 5.) The National Trust composes its list from "examples of the nation's architectural, cultural and natural heritage that are at risk for destruction or irreparable damage." Also on the list are: Boyd Theater, Philadelphia, Pa.; Charity Hospital and the Adjacent Neighborhood, New Orleans, La.; Great Falls Portage, Mont.; Hangar One, Moffett Field, Santa Clara, Calif.; The Lower East Side, New York, N.Y.; Michigan Avenue Streetwall, Chicago, Ill.; Peace Bridge Neighborhood, Buffalo, N.Y.; The Statler Hilton Hotel, Dallas, Texas; Sumner Elementary School, Topeka, Kansas; and Vizcaya and Bonnet House, South Florida.

Going-to-the-Sun, 75, to be re-

done. As the park Service prepares a massive rehabilitation of the Going-to-the-Sun Road in Glacier National Park, it will also take time to celebrate the road's 75th Anniversary. The celebration will be held June 27, although the official 75th anniversary of the road falls on July 15. NPS doesn't want to disrupt visitors in high season. The 50-mile, two-lane road crosses the Continental Divide at Logan Pass. It took 11 years to build the road. It was dedicated on July 15, 1933. Rehabilitation is expected to take seven-to-eight years at a cost of \$140 million to \$170 million, according to a decision NPS made in November 2003.

GAO lays out fee guidance.

The Government Accountability Office (GAO) laid out standard procedures for establishing and collecting user fees for federal agencies May 29. The common sense guidance, prepared at the request of the House Committee on Homeland Security and the House Committee on Ways and Means, applies to all kinds of fees collected by federal agencies, not just recreation fees. The guidance provides such logical advice as, "The primary challenge of determining when and how to collect a fee is striking a balance between ensuring compliance and minimizing administrative costs." *The report is at <http://www.gao.gov>, search for GAO-08-386SP, Federal user Fees: A Design Guide.*

NHA bills still emerging.

Just before Congress took a Memorial Day break two sets of senators introduced legislation to establish national heritage areas (NHAs.) Sen. Lisa Murkowski (R-Alaska) introduced a bill (S 3045) to establish a Kenai Mountains-Turnagain Arm National Forest Heritage Area in the State of Alaska. The NHA would be located on the Kenai Peninsula within the Chugach National Forest, so the Forest Service would oversee the NHA. Sens. Jim Webb (D-Va.) and John Warner (R-Va.) introduced a bill (S 3039) to authorize a study of a possible Northern Neck National Heritage Area in the Northern Neck of Virginia. The late Rep. Jo Ann Davis (R-Va.) introduced a counterpart bill that the House approved Oct. 24, 2007, as part of an omnibus NHA bill, HR

1483. The House and Senate are working on dozens of other NHA bills.

DoI agencies get Internet back.

Five Department of Interior agencies that have been off the Internet for more than six years are now hooking back up. A federal court on Dec. 5, 2001, barred the use of the Internet by the agencies because it feared that Indian trust data could be compromised by hackers. But on May 14, 2008, U.S. District Judge James Robertson, the presiding judge in the case, reversed the order and authorized the agencies to hook up again. The agencies are the Office of the Solicitor, the Bureau of Indian Affairs, the Office of the Special Trustee for American Indians, the Office of Hearing and Appeals, and the Office of Historical Trust Accounting.

Bills call for fed land inventory.

One Democratic senator and one Republican senator teamed up May 20 to introduce legislation (S 3043) that calls on the Interior Department to inventory all federal lands. The General Services Administration is supposed to maintain such an inventory, but the Government Accountability Office says the information is "not current or reliable." The lead sponsor of the bill, Sen. Claire McCaskill (D-Mo.), said, "The fact is, the Federal Government does not know what it owns, where it owns it, what condition it is in, what its characteristics are, or what its designated use should be." Sen. Orrin Hatch (R-Utah) is the other lead sponsor. In the House Reps. Ron Kind (D-Wis.) and Chris Cannon (R-Utah) have introduced a counterpart bill (HR 5532.) The legislation doesn't mention any additional appropriation to pay the bills, but it does authorize the feds to pay up to 50 percent of the costs for a survey of non-federal lands in a partnership with a state.

Conference calendar

JUNE

11-14. **International Snowmobile Congress** in Boise, Idaho. Contact: Perry Hestenes, 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>

20-24. **U.S. Conference of Mayors** annual meeting in Miami. Contact: U.S. Conference of Mayors, 1620 I St., N.W., Fourth Floor, Washington, DC 20006. (202) 293-7330. <http://www.usmayors.org>.

29-July 1. **Western Governors' Association** annual meeting in Jackson Hole, Wyo. Contact: Western Governors' Association, 1515 Cleveland Place, Suite 200, Denver, CO 80202. (303) 623-9378. <http://www.westgov.org>.

JULY

11-15. **National Association of Counties** annual conference in Kansas City, Mo. Contact: National Association of Counties, 440 First St., N.W., 8th Floor, Washington, DC 20001. (202) 393-6226. FAX (202) 393-2630. <http://www.naco.org>.

16-18. **The International Convention of Allied Sportfishing Trades** in Las Vegas. Contact: American Sportfishing Association, 225 Reinekers Lane, Suite 420, Alexandria, VA 22314. (703) 519-9691. <http://www.asafishing.org>.

AUGUST

8-11. **Outdoor Retailer Summer Market 2008** in Salt Lake City. Contact: Outdoor Industry Association, 4909 Pearl East Circle, Suite 200, Boulder, CO 80301. (303) 444-3353. <http://www.outdoorindustry.org>.

11-15. **National Speleological Society** annual meeting in Lake City, Fla. Contact: National Speleological Society, 2813 Cave Ave., Huntsville, AL 35810-4331. (256) 852-1300. <http://www.caves.org>.

17-21. **American Fisheries Society** annual meeting in Ottawa, Canada. Contact: American Fisheries Society, 5410 Grosvenor Lane, Suite 110, Bethesda, MD 20814-2199. (301) 897-8616. <http://www.fisheries.org>.