

# Federal Parks & Recreation

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## **GOP faults fiscal 2009 money bill, but Sen. Cochran favors**

Most Senate Republicans reacted with rage this week to a comprehensive fiscal year 2009 appropriations bill (HR 1105) that would increase spending for most park and rec programs.

But the measure will likely survive because a few Republican leaders, such as ranking Senate Appropriations Committee Republican Chad Cochran (Miss.), are backing it. "I am supporting the approval of this bill by the Senate even though the process that has brought us to this point has left a lot to be desired," said Cochran on the Senate floor this week.

Congress faces a tight deadline. An interim appropriations bill expires today, March 5. The House February 25 approved an almost identical version of the Senate's HR 1105. Thus, Senate Democratic leaders need to pass their version of HR 1105 unchanged by today in order for the bill to be enacted. Otherwise, Congress may be forced to extend fiscal 2008 spending for all of fiscal 2009, and that would mean significantly less money for park and rec programs.

The die was probably cast in the Senate March 2 when Sen. John McCain (R-Ariz.) offered unsuccessfully an amendment to simply extend fiscal 2008 spending through fiscal 2009. "My amendment is simple," said McCain. "It goes back to a continuing resolution and funds the activities of the government at last year's levels, which obviously were sufficient last year. We need to do some belt tightening, I don't think there is any doubt about that." McCain's amendment was handily defeated in a 63-to-32 vote.

McCain was particularly incensed about earmarks in HR 1105. He said that in Presidential debates last year Presi-

dent Obama promised to eliminate them. McCain said the administration was trying to justify the earmarks in the fiscal 2009 bill because it was old business and earmarks would be eliminated in new business.

"So what is brought to the floor today? Nine thousand earmarks, billions and billions of dollars of unneeded and wasteful spending, and the President's budget person says: This is last year's business. We want to just move on," said McCain. "That is insulting to the American people."

House and Senate appropriators included in HR 1105 nine separate appropriations bills. For reference, the Interior bill is Division E, the Energy and Water bill is Division C and the Transportation appropriations bill is Division I.

Because of a sure filibuster Senate leaders must come up with 60 votes to pass the bill. That may not be as difficult as in the past because HR 1105 includes all nine remaining bills, increasing the pressure on the Senate to pass the omnibus. Besides, the Senate Republican leader, Sen. Mitch McConnell (R-Tenn.), has \$75 million of earmarks in the bill. And the lead Republican appropriator, Cochran, has endorsed the bill.

The Park Service is the big park and rec winner in HR 1105. It is down for an increase in an operations line item of more than \$150 million, compared to a fiscal 2008 appropriation. Also gaining were the federal side of the Land and Water Conservation Fund, up almost \$23 million, and a Forest Service recreation program, up \$14 million.

The Everglades Foundation put in a plug for the House-passed bill. Said Kirk Fordham, CEO of the foundation, "The legislation provides more than \$180 million to fund seven critical Everglades restoration projects this year that will put scores of Floridians back to work and stimulate our economy."

Losers include the state side of LWCF with a \$4.6 million decrease, the

Park Service Centennial Challenge program with no set-aside and the Bureau of Land Management (BLM) recreation management program with a \$4.2 million decrease.

Although the bill includes no discrete allocation for Park Service Challenge projects, the program is expected to share in the Park Service operations increase, and in a separate \$14 million NPS construction increase.

This past 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.) Fiscal 2009 extends for seven more months until the end of September.

Rep. Norman Dicks (D-Wash.), chairman of the House subcommittee on Interior appropriations, argued against simply extending the fiscal 2008 spending levels through the remainder of fiscal 2009.

"(A) full-year Continuing Resolution will not adequately fund the operational costs of these agencies. Fixed costs average a little over 5 percent this year," he said on the House floor. "If Congress simply extends the Continuing Resolution, agencies already suffering serious staffing shortfalls will have to further reduce staff. The Park Service will lose \$161 million."

Dicks said the nation needs a new appropriations bill even though a brand new economic stimulus law (PL 111-5 of February 17) provides \$4 billion extra for natural resource agencies.

"The basic answer is the stimulus legislation provides funding for infrastructure projects at these agencies, in particular funding to address the longstanding and well-documented maintenance backlogs," he said. "The omnibus bill we are considering today supports the operational costs of these agencies."

Here is what the fiscal 2009 appropriations bill would do, program by program, compared to fiscal 2008:

\* STATE LWCF: provide \$4.6 million less, \$20 million compared to a fiscal 2008 appropriation of \$24.6 million;

\* FEDERAL LWCF: provide \$22.6 million more, \$152.3 million compared to a fiscal 2008 appropriation of \$129.7 million;

\* URBAN PARKS AND RECREATION RECOVERY: provide no money, the same as fiscal 2008;

\* FOREST LEGACY: provide \$5.1 million more, \$57.4 million compared to \$52.3 million in fiscal 2008;

\* FOREST SERVICE RECREATION: provide \$15 million more, \$277.6 million compared to \$262.6 million in fiscal 2008;

\* FOREST TRAILS: provide \$4.6 million more, \$81 million compared to \$76.4 million in fiscal 2008;

\* HISTORIC PRESERVATION STATE GRANTS: \$3.1 million more, \$42.5 million compared to \$39.4 million in fiscal 2008;

\* SAVE AMERICA'S TREASURES: provide \$4.6 million less, \$20 million compared to \$24.6 million in fiscal 2008;

\* PRESERVE AMERICA: Provide \$2.6 million more, \$10 million compared to \$7.4 million in fiscal 2008;

\* NPS OPERATIONS: provide \$150 million more, \$1.895 billion compared to a fiscal 2008 appropriation of \$1.745 billion;

\* NPS CONSTRUCTION: provide \$14 million more, \$232.5 million compared to \$218.5 million in fiscal 2008;

\* NPS RECREATION AND PRESERVATION: provide \$7.7 million less, \$59.7 million compared to \$67.4 million in fiscal 2008;

\* NPS CENTENNIAL INITIATIVE: provide no set-aside, compared to \$25 million in fiscal 2008;

\* BLM RECREATION MANAGEMENT: provide \$4.2 million less, \$63.7 million compared to \$67 million in fiscal 2008; and

\* FWS REFUGE MANAGEMENT: provide \$28.7 million more, \$462.9 million compared to a fiscal 2008 appropriation of \$434.1 million.

## 2010 budget request asks park and rec spending boosts

The Obama administration outlined major increases for park and recreation programs in a summary of a fiscal year 2010 budget released February 26. The budget asks for:

\* \$100 million more for Park Service operations,

\* a separate \$25 million payment to a Park Service Centennial Challenge program,

\* \$420 million for the Land and Water Conservation Fund,

\* a \$130 million down payment to initiate a climate change program,

\* \$50 million more to protect national forests, and

\* a new emergency fire-fighting fund of \$357 million - \$282 million for the Forest Service and \$75 million for the Interior Department.

The Obama fiscal 2010 budget proposal is just an outline, with details expected in late April, but it gave the park and recreation establishment a boost. Advocates were particularly pleased with the \$420 million for LWCF, compared to just over \$150 million in a fiscal 2008 appropriations law (*a fiscal 2009 law has not been enacted yet, see previous article.*)

### Notice: Schedule Change

Dear Subscriber:

The next issue of *Federal Parks & Recreation* will be published on March 27, one week later than the usual bi-weekly cycle. After that we will resume our regular biweekly publishing schedule. We thank you for your consideration.

In addition the Obama budget talks of full funding for LWCF of \$900 million, someday. The outline says of the \$420 million, "This will put the Administration on track to fully fund LWCF programs at \$900 million by 2014."

One outdoor policy veteran saw in Obama's request both parallels with and differences from a Bush administration promise of eight years ago to fully fund LWCF. "Some of the words are the same," said Alan Front, senior vice president for the Trust for Public Lands. "But the differences are more striking than the similarities."

He explained, "Eight years ago the person chosen to implement the Bush administration promise was an Interior secretary (Gale Norton) who held that the federal government owned too much land already. Land acquisition was not a priority for her. She said land exchanges could substitute if done right. That was obviously a principled position, but not the best position for protecting the remaining lands."

By contrast Front said Obama's secretary of Interior, Ken Salazar, "is wonderfully committed to the Land and Water Conservation Fund."

Some in the recreation community worry about the price tag. "Obama has a big problem because he has to pay back a number of people who supported him in his election campaign," said Derrick Crandall, president of the American Recreation Coalition. "I don't know how long he can keep running up these deficits. For now he is postponing the pain."

Tom Kiernan, president of the National Parks Conservation Association, praised the Obama administration, "The president's budget proposal includes an increase of \$100 million plus inflation to operate and maintain our national parks, funds the parks' public-private partnership program, and offers a solid commitment to fund the Land and Water Conservation Fund, which would help to prevent inappropriate development inside national parks."

The 2010 budget is not nearly as tough on park and rec programs as expected. The Obama administration protected discretionary domestic spending to some extent by proposing large reductions in military spending and large increases in taxes on the wealthy.

It was widely expected that the \$789 billion economic stimulus bill enacted February 17 would effectively draw money away from the regular fiscal 2010 spending bills. (All the money in the economic stimulus was considered emergency spending, so technically it didn't affect the bottom line for fiscal 2010 appropriations.)

## **GOCO architect Strickland chosen to set NPS, FWS policy**

The Obama administration announced February 23 the nomination of Ted Strickland, the chief legal officer of UnitedHealth Group, as assistant secretary of Interior for Fish, Wildlife and Parks.

If confirmed, Strickland would oversee the National Park Service and the Fish and Wildlife Service (FWS.) He would also serve as Secretary of Interior Ken Salazar's chief of staff. A Coloradoan, Strickland has been operating as chief of staff during the transition to the Obama administration.

Said Salazar, "In addition to serving as the chief of staff for the 67,000 employees of the department, he would bring to the assistant secretary position the type of vision for our parks, wildlife, and open spaces that our country needs right now."

Of note, Salazar said Strickland helped found the Great Outdoors Colorado (GOCO) program in 1992 and has served as a board member of the program.

Salazar said last month he would like to use the GOCO model to reinvigorate the Land and Water Conservation Fund. GOCO, established by constitutional amendment, uses a portion of state lottery money for conservation purposes. In fiscal year 2008 the pro-

gram received \$114.3 million, including 40 percent for parks, recreation and open space distributed on a per capita basis.

Separately, Strickland served as United States Attorney for the District of Colorado from 1999 through 2001, and, according to the Interior Department, was involved in a "broad range of public land and environmental issues."

Meanwhile, Secretary Salazar said last week the Obama administration has identified about half of the political appointees for the Interior Department. Thus far, Salazar is going it alone as a confirmed political appointee in the department.

"We have spent a huge amount of time identifying the people for different positions," he said. "Some are at different stages of the vetting process. . . I think we are probably well down the road to making those decisions. I'd say we are about 50 percent of the way there."

Salazar added, "I would hope in the next week or so we could get a couple of people going. We have identified a number of people for most of top spots in the department."

The Obama administration is expected to name David Hayes as Salazar's top aide shortly. The nomination has long been expected. Hayes served in the same position - deputy secretary of Interior - during the Clinton administration.

At the agency level the Interior Department has changed acting directors for the Bureau of Land Management (BLM), placing long-time California BLM State Director Mike Pool in charge until a political appointee is named and confirmed.

Pool, at 55 already a 34-year BLM careerist, will replace Ron Wenker as acting director. Wenker will return to his former post as Nevada State Director.

In the Department of Agriculture

the administration reportedly intends to nominate Chris Wood as under secretary for Natural Resources. Wood is a vice president at Trout Unlimited and a former Forest Service employee. As under secretary he would oversee the Forest Service.

Finally, we are going to continue to hear from Strickland's predecessor as assistant secretary of Interior for Fish and Wildlife and Parks, Lyle Laverty. He is taking over as head of an expanded National Association of Gateway Communities. Laverty hopes to have the new organization in action by the end of the month, he said. Former association head Aubrey King will remain with the organization.

Laverty said the association will take on a broader agenda than in the past. "In addition to travel and tourism we want to address all issues with a relationship to public lands," he said. "We want to make sure communities are involved in the process. They are too often the last to know." Those other issues include fire fighting and fire prevention.

### **Salazar: Interior may name stimulus projects by May 1**

The Interior Department has begun to prioritize the spending of \$3 billion it will receive from an \$800 billion economic stimulus law (PL 111-5 of February 17.)

Secretary of the Interior Ken Salazar said at a press conference February 20 that the department has set up a tight schedule for approving projects to receive the \$3 billion. "We're meeting with every unit of the Department of Interior to begin the process of moving forward to finalize the plans for the investment of these funds, which will be formal and in completed form by May 1," he said.

Salazar said a \$750 million allocation from PL 111-5 to the Park Service was significant but that it still falls well short of the \$10 billion needed to eliminate a maintenance backlog in the

system. "Frankly, that \$750 million will take into account only about 10 percent of the maintenance backlog needs we have within the National Park System," he said.

Then he described the prioritization procedure. "(W)e are going through a process where we are reviewing all the projects that the National Park Service submitted to make sure at the end of the day the money is invested first of all in those projects that we put people back to work. Second of all we'll look at those projects that can be completed in a reasonable amount of time."

In addition to the \$3 billion allocation to the Interior Department the law provides the Forest Service with \$1 billion, including \$650 million for construction projects and \$250 million for wildfire prevention.

Forest Service Chief Abigail Kimbell said, "As we implement this legislation, we will not increase the federal workforce; we will spend all funds on targeted ready projects; and we will begin our work promptly and complete it within 2 to 3 years for most activities."

The Forest Service has named Dave Dillard as an economic recovery executive to coordinate its stimulus program. Dillard is the current Forest Service Director of Ecosystem Management. He has already assumed the new post. *(See below for a list of the kinds of projects the Forest Service will undertake.)*

Senate Energy Committee Chairman Jeff Bingaman (D-N.M.) had prepared in early February a Senate floor amendment to add \$2.5 billion in natural resources projects to the Senate stimulus bill. But he pulled the amendment after three Republican senators and Democratic Sen. Ben Nelson (Neb.) struck a final compromise on a final version of HR 1 with President Obama.

In a separate development President Obama February 23 named former Interior Department Inspector General

Earl Devaney as his top watchdog for the whole economic stimulus program. Devaney will serve as chairman of the Recovery Act Transparency and Accountability Board. He will work directly under Vice President Joseph R. Biden on the board.

President Obama signed the American Recovery and Restoration Act February 17 that includes the following broad allocations:

- \* 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.

President Obama did not mention natural resources spending directly on signing the law. He simply promised to keep a close eye on all expenditures, or have Biden and Devaney 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."

FOREST SERVICE PROJECTS: Here are the kinds of projects the Forest Service says it will finance:

- \*\* The removal of brush from overgrown, dense forests.
- \*\* Forest and rangeland stewardship projects across multiple ownerships.
- \*\* Watershed and stream restoration, small dam reconstruction and construction of modern timber bridges, road, culvert and stream channel repair.
- \*\* Road and trail maintenance and decommissioning.

"\* Stewardship of city parks and urban forests.

"\* Maintenance and Greening of recreation sites and facilities."

## **New NPS tourism policy looks to new revenue sources**

Without fanfare the Park Service late last year produced a new tourism policy that not only is designed to attract more visitors to the parks but also to improve the quality of visits.

Indeed, one of the six building blocks of the policy - improving visitor experiences - says: "Build an expectation that visiting parks opens doors to a wide spectrum of life-enriching experiences which lead to repeat visits, referrals, volunteerism and philanthropy."

The policy anticipates several strategies to pay the freight, beginning with an appropriations base for overhead costs. "We would look for appropriations for costs that can't be assigned elsewhere to what will be one of the smallest Washington offices," said Dean Reeder, national tourism chief for the Park Service.

Beyond that base the policy considers two new strategies to pay for specific marketing projects - a share of entrance fees and revenues brought in by the projects. The entrance fees would come from the 20 percent of existing revenues that are distributed from the Washington office. (The other 80 percent of fee revenues is reserved for the collecting park.)

Further down the line Reeder said NPS hope to obtain the approval of Congress to finance marketing projects from revenues produced by the projects themselves, kind of a pay-as-you-go system.

"We aren't able to say how that would work at this point," said Reeder. "It will take considerable analysis and a presentation to Congress. That's way down the road."

He added, "The government is always challenged to prove that government

programs work. This self-marketing would have to work to survive."

The Park Service has been developing the tourism policy for the last couple of years. Reeder said that although the plan was given the final blessing of NPS Director Mary Bomar on Dec. 18, 2008, it was actually approved by the Park Service National Leadership Council last July. So Reeder said the Park Service was not trying to slip one by the incoming Obama administration. "I'm not very good at PR," said Reeder.

A less than robust Park Service visitation record in recent years has riled gateway communities, concessioners, local politicians and the recreation industry. Critics of the Park Service wonder if some park officials and their supporters would just as soon see parks that are less than crowded.

The policy contains a half-dozen common sense recommendations, to wit, engage partners, improve marketing, increase off-season visits, improve visitor experience, improve NPS training, and establish an extra funding source.

Individual parks and regions have long attempted to invite the public to visit in shoulder seasons in the spring and fall when many units provide unique attributes to the public. The park policy adopts that goal.

NPS and the recreation industry have cited a number of reasons for the long trend in visitation to the national parks, beginning with competition from commercial tourist facilities, such as the Disney properties.

Other cited reasons are an increase in minority groups in the population that don't visit parks as often as whites traditionally have and a Park Service policy that favors protection of parks over recreational uses.

The proposed policy is not a rule or a regulation and has not been subjected to the public comment rigors that a rule or regulation would require. But NPS circulated the draft policy widely.

## Obama riles highway boosters with proposed budget change

The Obama administration February 26 dropped a bomb on the Highway Trust Fund by proposing to subject surface transportation programs to the vagaries of annual appropriations.

In outlining a fiscal year 2010 budget Obama would end the automatic guarantee of \$50 billion or more each year to surface transportation programs - including more than \$1 billion in park and rec activities - that comes from the Highway Trust Fund. The fund is fueled by gasoline taxes.

House and Senate committee members from both parties that oversee the Highway Trust Fund protested with one voice. They wrote President Obama February 27, "Such a rule would essentially convert the mandatory contract authority that currently funds our highway, transit, and airport grant programs to a simple authorization of appropriations for budget scoring purposes."

The committee members, including House Transportation Committee and Senate Environment and Public Works Committee (EPW) leaders from both parties, portrayed the Highway Trust Fund as a "contract" financed by "user fees," an acronym for gasoline taxes.

"We have a longstanding commitment to ensuring that the user fees deposited into the Highway and Aviation Trust Funds are in fact used for their intended purposes - to rebuild our nation's infrastructure," they said.

Signing the letter were 14 senators and House members including House Transportation Committee Chairman James Oberstar (D-Minn.), ranking House committee Republican John Mica (Fla.), Senate EPW Committee Chairman Barbara Boxer (D-Calif.), and ranking EPW committee Republican James Inhofe (Okla.)

The fiscal 2010 Obama administration outline for the Department of Transportation is a slim, two-page document. The crucial paragraph describes the change as an attempt to make more

transparent the funding of highway programs.

Under existing law the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU,) guarantees Highway Trust Fund money for individual programs, such as transportation enhancements, recreation trails, scenic byways, national park roads, Safe Routes to School and dozens more.

The money is not subject to annual appropriations and is allotted annually for individual programs, such as \$43.5 million for scenic byways in fiscal 2009.

While the administration would not eliminate the Highway Trust Fund, it said in the budget outline, "To more transparently display program resources, the Administration proposes changing the budgetary treatment of transportation programs to show both budget authority and outlays as discretionary."

The key word is "discretionary," suggesting that appropriators could decide each year what program received how much money, thus eliminating a semi-automatic distribution from the fund that is now the law. It also suggests Congress may be tempted to shift gas taxes out of the Highway Trust Fund and use them for other purposes.

In a fiscal 2009 money bill now before Congress the total allocation for the Department of Transportation in fiscal 2009 from SAFETEA-LU and appropriations is \$55 billion. That doesn't count a huge stimulus law (PL 111-5 of February 17) that added \$47 billion in emergency money. For fiscal 2010 the Obama administration would increase the annual allocation from \$55 billion to \$70 billion.

In a related action a broad alliance that supports a recreational trail program financed by SAFETEA-LU will recommend later this month that Congress increase spending for the program from \$85 million in fiscal 2009 to \$90 million in fiscal 2010, and to \$130 million after four more years.

The Coalition for Recreational Trails would have Congress authorize the increase in a five-year bill that would replace SAFETEA-LU, which expires at the end of September.

Says a working paper put together by the coalition, "The Recreational Trails Program has had a dramatic and positive impact on the quality of life in America through thousands of projects nationwide and through new cooperation among diverse trail enthusiasts, government officials at the federal, state and local levels, and national organizations in the conservation, recreation, and transportation fields."

The 25 member groups of the coalition include such varied interests as America Bikes, the American Hiking Society, the American Motorcyclist Association, the BlueRibbon Coalition, the International Snowmobile Industry Association, the National Recreation and Park Association, and the Recreation Vehicle Dealers Association.

By definition the recreational trails program is one of many park and rec programs that would be put at risk if the Highway Trust Fund were treated as a regular appropriation. That's because the program receives its money from gasoline taxes on all-terrain vehicles, snowmobiles and other recreational vehicles. Those taxes are included in the Highway Trust Fund.

If Congress transferred the program to regular appropriations, it could lose its automatic set-aside and be exposed to the whims of appropriators.

## **Do House leaders have the votes to pass omnibus?**

House leaders have scheduled no votes yet on an omnibus lands bill (S 22) the Senate passed January 15, raising the suspicion they don't have the votes to pass it.

Because House leaders want the Senate bill to pass intact in the House, they intend to bring the measure up under a 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.

If the bill is defeated or modified, it could be delayed for a good while. Conservative Republicans have blasted the 161-measure bill as overly expensive, earmark laden and a threat to private property.

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

Complicating the situation, House Democratic leaders are reportedly considering a change to the 161-bill measure to make sure federal lands are available to hunters.

House leaders had scheduled action on S 22 for the second week in February but that was canceled because Congress was preoccupied with an economic stimulus bill. At least that is what the leaders indicated.

The Senate gave its approval January 15 to the 161-bill S 22 by a vote of 72-to-21. Senate action was made possible by a crucial 66-to-12 vote to defeat a filibuster.

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.)

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.

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

areas 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 omnibus 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 First Lady Laura Bush and a Save America's Treasures program established by then-First Lady Hillary Clinton.

In addition the measure would establish new national park units, including a Paterson Great Falls National Historical Park in New Jersey, a William Jefferson Clinton Birthplace Home National Historic Site in Arkansas, and a River Raisin National Battlefield Park in Michigan.

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.

### **GAO: Experts have mixed opinions of FS move to DoI**

The Government Accountability Office (GAO) presented to Congress February 24 an inconclusive study of the advisability of a merger of the Forest Service and the Bureau of Land Management (BLM.)

While GAO said a unified agency

could probably manage most land uses more efficiently - including recreation and wilderness - it also described significant downsides. They include great expense, which the Forest Service estimated at \$300 million to \$500 million up-front, and different cultures between the agencies.

GAO presented the study to the House subcommittee on Interior appropriations chaired by Rep. Norman Dicks (D-Wash.), who requested it. Dicks has repeatedly complained about increasing costs of fire fighting that have begun to dominate the Forest Service's budget. However, the GAO study did not address much fire-fighting costs.

The idea of moving the Forest Service to the Interior Department to establish a Department of Natural Resources has been around for decades. In the 1970s the Carter administration toyed with the proposal and former Sen. Mark Hatfield (R-Ore.) aggressively advanced it.

But the great cost combined with political resistance from Forest Service clients always stopped the initiative cold.

Times may have changed. The Forest Service budget is increasingly dominated by fire-fighting costs, as Dicks has pointed out. And the service no longer oversees the harvest of billions of board feet of timber each year, thus changing the agency's identity as a crop grower of sorts in the Department of Agriculture.

For its study GAO interviewed many of the "names" in the federal lands arena including former Secretary of Interior Gale A Norton, former Under Secretary of Agriculture James R. Lyons, former Forest Service Chief Dale N. Bosworth, and former Interior Department Solicitor John Leshy. GAO also interviewed eight natural resources experts, such as Sally K. Fairfax, a professor at the University of California at Berkeley, and seven public administration experts.

On the up side GAO said, "Improve-

ments in the effectiveness of federal land management programs could result from a move of the Forest Service into Interior, according to several officials, if the four agencies took the opportunity to coordinate programs they have in common."

GAO said one unnamed official indicated that the management of large landscapes "could be better coordinated" with one boss. The study added, "Other program areas that offer opportunities for improved coordination include law enforcement, recreation, and wilderness management."

On the down side GAO said that in addition to up-front expenses and different cultures, the Forest Service and BLM just do things differently. For instance, the study said that an existing Service First program that combines agency personnel "showed little increased efficiency, in part because of the complexity of measuring and documenting savings across agencies."

The GAO study did lay out several alternatives other than a total transfer of the Forest Service to BLM, including:

- \* expand on the existing Service First program to combine BLM and Forest Service field offices, even though efficiencies have not been proved. Interviewees said the agencies would not necessarily have to merge physically, but that "similar gains can be had by strengthening coordination and collaboration between agency programs," according to GAO.

- \* align the agencies by ecosystem. "A geographic organization could unify lands along ecosystem or other geographic boundaries, according to several officials and some experts, helping to resolve the intermingling of Forest Service and BLM lands and thereby enabling better management of federal lands," said the study.

- \* create a Department of Natural Resources. "Some (interviewees) said that having one department focused on natural resources would allow the Secretary to balance uses of federal natural

resources with their protection." Numerous states have departments of natural resources.

- \* move BLM to the Forest Service. The Forest Service orally told GAO that "this move would be substantially less costly than moving the Forest Service into Interior," according to the study. GAO said a move of BLM to the Forest Service was not within its work order from Dicks.

The study, Federal Land Management: Observations on a Possible Move of the Forest Service into the Department of the Interior, is available at: <http://www.gao.gov/cgi-bin/getrpt?GAO-09-223>.

## Obama, Hill leaders put climate change on fast track

Despite criticism from the right and the left, the Democratic leadership in Washington last week committed itself to producing a massive climate change bill this year.

Those leaders also said they are committed to a cap-and-trade system that would produce as much as \$300 billion in revenues from the sale of rights to produce carbon. And in prototype bills last year some of those billions of dollars would be distributed to park and rec programs that have even a remote connection to the prevention of global warming.

President Obama laid down a marker February 24 in an address to Congress. "But to truly transform our economy, protect our security, and save our planet from the ravages of climate change, we need to ultimately make clean, renewable energy the profitable kind of energy. So I ask this Congress to send me legislation that places a market-based cap on carbon pollution and drives the production of more renewable energy in America."

Senate Majority Leader Harry Reid (D-Nev.) reportedly picked up the baton February 25 and said he plans to move a climate change bill through the Senate by the end of the year.

As a first step the Senate Environment and Public Works (EPW) Committee and the Senate Budget Committee would early this spring produce direction in a fiscal year Congressional budget for the Senate to pass legislation. Then later this year EPW would send to the Senate floor the actual legislation, either as a stand-alone bill or as a piece of a giant budget reconciliation bill.

Said Sen. Benjamin Cardin (D-Md.), a member of both the EPW and Budget committees, "I look forward to working closely with Chairman Conrad to ensure that a cap-and-trade provision is accommodated by this year's budget resolution, and with Chairman Boxer to write and pass comprehensive global warming legislation this year." Conrad is Senate Budget Committee Chairman Kent Conrad (D-N.D.) Sen. Barbara Boxer (D-Calif.) chairs EPW.

In the House Rep. Henry Waxman (D-Calif.) has said he will attempt to move climate change legislation through the House Energy Committee he chairs by the end of May.

While key players Obama, Boxer and Waxman are all committed to moving legislation this year, they have only agreed to one principle - a cap-and-trade system that would place a ceiling on carbon pollution and require the purchase of the right to produce carbon within the ceiling. Those rights could be traded between and among companies and industries, thus the cap-and-trade name. The revenues from the sale of the rights to produce carbon, known as allowances, could then be allocated to conservation spending.

There are critics from both sides. Sen. James Inhofe (R-Okla.), ranking Republican on the Senate EPW Committee, said the Obama proposal is just too expensive. "The range of the tax increase that would be brought on by this cap-and-trade legislation is somewhere between \$300-\$350 billion per year," he said. "As bad as the stimulus spending bill was, this would be much worse because instead of being one-time spending, the cap-and-trade tax increase would keep occurring year-after-year."

Some conservationists, nominally allies of Obama and company, believe a cap-and-trade system would not work because it would be impossible to regulate companies that are trading within a cap. "Emission trading systems, especially on an economy-wide basis are difficult to police and subject to questionable offsets," said the environmental group Public Employees for Environmental Responsibility.

Many environmentalists would prefer a straight limit on pollution and a direct fee on all pollutants.

Still to come are the details of the size of the price of the carbon tax and the distribution of subsequent revenues. But Congress provided broad hints last year.

In an importance instance, a lead Senate bill (S 3036) that reached the Senate floor last June but was defeated by a filibuster, would have allocated to conservation a share of trillions of dollars. According to a coalition of 170 environmental groups, S 3036 would have allocated an average of \$7.2 billion per year for 20 years to federal, state and local conservation programs.

For the Land and Water Conservation Fund (LWCF) S 3036 would have guaranteed enough money to meet LWCF's current authorization of \$900 million per year.

In the House former House Energy and Commerce Committee Chairman John Dingell (D-Mich.) last fall described the outlines of a discussion draft of a bill. Dingell, who was succeeded as chairman by Waxman, offered four different options for collecting pollution allowances, with conservation in line for an undetermined share of the money.

More guidance may come from a March 30-31 summit on climate change hosted by the National Academy of Sciences. Members of the Obama administration, members of Congress, and representatives of industry and nongovernmental organizations are expected to participate. The scientists who are organizing the summit hope that it will start a

dialogue about what the nation should do next about climate change.

## Notes

### **Top court to address cross in NPS.**

The U.S. Supreme Court said February 23 it would take up this year a case that involves the construction of a cross within the Mojave National Preserve in California. Lower courts held that the cross violates a U.S. Constitution clause that forbids the government from establishing a religion. Complicating the case, Congress attempted to avoid the Constitutional ban by ordering a land exchange that effectively transferred the land at question to the builders of the cross, thus putting the cross on private land. But the Ninth U.S. Circuit Court and a lower court said the exchange still violated the Constitutional ban on establishment of a religion. The appeals court said the land exchange demonstrated favor by Congress of one religion over others. "We also concluded that a reasonable observer aware of the history of the cross would know of the government's attempts to preserve it and the denial of access to other religious symbols," the Ninth Circuit said. But the petitioners - the federal government and the Veterans of Foreign Wars - countered that the Ninth Circuit was interfering with the will of Congress. The case is identified as *Salazar (Interior Secretary) v. Buono (Docket No. 08-472, cert. granted 2/23/2009)*.

### **Guns in parks suit may move.**

A federal judge is expected to hear in the next fortnight a case against a Bush administration rule that authorizes concealed weapons in national parks and wildlife refuges. The plaintiffs in the case who oppose the rule are asking Judge Colleen Kollar-Kotelly to set aside the rule that went into effect January 9. Kollar-Kotelly is expected to hear oral arguments in the case shortly. The Obama administration is giving mixed signals. At the same time that Secretary of Interior Ken Salazar says the administration is still developing a position on the Bush rule, the Justice Department is supporting the rule in court. On February 13 the Obama

Justice Department filed a response to the lawsuit, *Brady Campaign to Prevent Gun Violence v. Kempthorne, Case 1:08-cv-02243*, that defended the rule. The case was filed in the U.S. District Court for the District of Columbia. The National Parks Conservation Association and the Coalition of National Park Service Retirees are co-plaintiffs in the lawsuit.

### **House approves battlefield bills.**

The House March 3 approved two separate bills to authorize up to \$10 million per year for the acquisition of Civil War Battlefields and up to \$10 million per year for the acquisition of Revolutionary War and War of 1812 battlefields. The Civil War bill (HR 548), introduced by Rep. Gary Miller (R-Calif.), would authorize appropriations for fiscal years 2009 through 2013. It would make available an extra \$3 million per year to provide financial assistance to various levels of government and to non-governmental entities to preserve battlefields. The House approved the bill by a vote of 402-to-13. The Revolutionary War and War of 1812 Battlefield Protection Act (HR 146), introduced by Rep. Rush Holt (D-N.J.), would amend a 1996 act to authorize appropriations for fiscal years 2010 through 2014. Grants would have to be matched 50-50 by nonfederal entities. The House approved the bill by a vote of 394-to-13. The Revolutionary War and War of 1812 bill differs from the Civil War bill in one important respect - it would draw its revenues from the Land and Water Conservation Fund, not straight appropriations. No comparable bills have been introduced in the Senate for either measure.

### **Murkowski names Senate parks aide.**

Ranking Senate Energy Committee Republican Lisa Murkowski (Alaska) this week named real estate lawyer Kaleb Froehlich as lead committee staff member on National Park System issues. Froehlich has practiced real estate law in New York City for the last two years. Froehlich is an Alaska native. He once worked as an intern for Sens. Ted Stevens (R-Alaska) and Sam Brownback (R-Kansas.) David Brooks has long served as the lead national parks staff member

for Democrats on the Senate committee.

#### **Refuge backers honor Feinstein.**

The Cooperative Alliance for Refuge Enhancement (CARE) presented Sen. Dianne Feinstein (D-Calif.) with an award February 24 for working to protect the National Wildlife Refuge System. She chairs the Senate subcommittee on Interior appropriations. Feinstein was honored on Capitol Hill at an event sponsored by CARE and the Fish and Wildlife Service. CARE honored Feinstein for helping produce a fiscal year 2008 appropriation for the system of \$434.1 million. Congress is currently considering a fiscal 2009 appropriations bill that Feinstein helped write that would increase refuge funding by \$28.7 million to \$462.9 million.

#### **Hydro backers to honor Cantwell.**

The National Hydropower Association will present Sen. Maria Cantwell (D-Wash.) with its Legislator of the Year Award at its annual meeting May 11-13 in Washington, D.C. Cantwell has been a lead advocate for hydropower and renewable energy. She will also be the keynote speaker at the conference. Cantwell chairs the Senate subcommittee on Energy which oversees renewable energy.

**OHVers working together.** Leaders of national off-highway vehicle (OHV) organizations gathered last month for the fourth time in a little over a year to coordinate their various initiatives on access to public land. Among other things the leaders discussed a Forest Service Travel Management Rule. Given their organizations unique missions the leaders are meeting to share. Among the groups represented were the American Council of Snowmobile Associations, the BlueRibbon Coalition, and the Specialty Vehicle Institute of America.

## **Conference Calendar**

*(Note. The National Preservation Institute conducts from three to 10 seminars each month at various sites around the country on everything from NEPA compliance to landscape protection to cemetery preservation. There are too many to list here. Contact: <http://www.np;s.org>.)*

### MARCH

12-15. **Recreation Vehicle Industry Association annual** meeting in Dana Point, Calif. Contact: Recreation Vehicle Industry Association, 1896 Preston White Drive, Reston, VA 20195-0999. <http://www.rvia.org>.

17-20. **National Legislative Forum on Parks and Recreation**, in Washington, D.C. Contact: National Recreation and Parks Association, 1901 Pennsylvania Ave, N.W., Washington, DC 20006. (202) 887-0290. <http://www.nrpa.org/forum>.

17-21. **North American Wildlife** conference in Arlington, Va. Contact: Wildlife Management Institute, 1146 19th Street, NW, Suite 700, Washington, DC 20036. (202) 371-1808. <http://www.wildlifemanagementinstitute.org>.

23-29. **National Off Highway Vehicle Conservation Council** annual conference in Houston. Contact: National Off Highway Vehicle Conservation Council, 4718 South Taylor Drive, Sheboygan, WI 53081. Call Ann Vance at (800) 348-6487. <http://www.nohvcc.org/>

31-April 4. **American Alliance for Health, Physical Education, Recreation and Dance** annual meeting in Tampa, Fla. Contact: AAHPERD, 1900 Association Drive, Reston, VA 20191. (703) 476-3400. <http://www.aahperd.org>.

### APRIL

21-23. **Outdoor Industry Association Capitol Summit** in Washington, D.C. Contact: Outdoor Industry Association, 4909 Pearl East Circle, Suite 200, Boulder, CO 80301. (303) 444-3353. <http://www.outdoorindustry.org>.

22-26. **Society for American Archaeology** annual meeting in Atlanta, Ga. Contact: Society for American Archaeology, 900 2nd St., N.E., Suite 12, Washington, DC 20002-3557. (202) 789-8200. <http://www.saa.org>.

26-May 1. **National Association of Recreation Resource Planners** annual meeting in Pittsburgh, PA. Contact: National Association of Recreation Resource Planners, P.O. Box 221, Marienville, PA 16239. (814) 927-8212. <http://www.narrp.org>