

Federal Parks & Recreation

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'09 CR has no NPS Centennial money; would repay FS fire \$\$

The House approved a continuing spending resolution (CR) September 24 that would extend a fiscal year 2008 appropriations bill to March 6 of next year. Fiscal year 2009 begins Wednesday, October 1.

The House bill (HR 2638), which still must be approved by the Senate, does not include legislation to establish a \$2 billion National Park Centennial program. In fact the bill contains almost no authorizing riders.

"As far as I'm aware there is no free-standing legislation in the CR," said one House Appropriations Committee staff member. "The Senate still has to act and it tends to be more free-wheeling than the House. I wouldn't rule out anything, but right now we are on track to pass this package as it is."

In addition to the CR for fiscal 2009 S 3001 includes a separate section that would provide emergency supplemental appropriations for fiscal 2008. That includes \$910 million for fire fighting. Of that, \$500 million would go to the Forest Service to repay line programs that have been forced to cough up money for fire fighting.

HR 2638, approved by the House in a 370-to-58 vote, calls for quick action on repaying fire money, directing that "\$300,000,000 shall be transferred to Forest Service accounts within 15 days of enactment of this Act so that all such transfers for wildfire suppression in fiscal year 2008 are fully repaid." The bill would also require repayment to other programs that have provided fire-fighting money.

As always with CRs, HR 2638 is unclear as to what agencies should spend

on earmarked projects - land acquisition, construction, heritage area initiatives, etc. - in fiscal 2009. The House staff member said some earmarks that support ongoing projects would probably continue but that earmarks are still a "gray area."

The staff member said fiscal 2009 earmarks might be fleshed out if and when Congress writes a formal appropriations bill or a CR that extends through all of fiscal 2009.

The House and Senate are attempting to complete a fiscal 2008 CR before fiscal 2009 begins on Wednesday. The House bill contains the CR, the fiscal 2008 emergency supplemental, and full-blown appropriations bills for the Department of Defense and Homeland Security.

Congress's work is complicated by ongoing attempts to write comprehensive energy legislation and to settle a massive financial "institution" crisis. House Democratic leaders may have lanced the energy boil September 23 by acceding to White House demands that it remove a 26 year-old moratorium on oil and gas drilling along the American coast. Language to end the moratorium is included in the CR portion of HR 2638.

The ongoing energy negotiations not only affect the timing of park and rec appropriations, but the talks could also have major consequences for the substance of programs. Advocates of everything from the Park Service Centennial Initiative to the Land and Water Conservation Fund to wildlife protection hope to obtain a slice of royalties from new energy production. For now HR 2638, while opening the way for offshore oil and gas development, offers no new royalty assistance.

However, Speaker of the House Nancy Pelosi (D-Calif.) and House Appropriations Committee Chairman David Obey (D-Wis.) said this week that this Congress may leave it to the next Congress to establish conditions for offshore drilling. Thus far senators and House members are holding plans for sharing royalties close to their vests.

It was unclear at press time if Congressional leaders would attempt to add legislation to HR 2638 to settle the financial "institution" crisis to HR 2638. That could certainly complicate things.

The explosive financial "institution" crisis may take a toll on all other federal programs. The Bush administration's plans to bail out investment companies could cost the U.S. Treasury as much as \$700 million, putting the squeeze on all other appropriations for the next few years. How that cost would be accommodated in appropriations legislation still must be decided.

Under the House CR for fiscal 2009, almost all park and rec programs would receive more money by the extension of fiscal 2008 spending levels than under the Bush administration's budget request. At the same time most programs would receive less money than under Congressional committee fiscal 2009 money bills. (See breakdown below.)

Congress may use a lame-duck session after the November 4 elections to embellish the CR or to replace it with a year-long CR. A lame-duck session may also provide Congress with an opportunity to approve the \$2 billion Park Service Centennial Challenge program as an amendment to the CR.

APPROPRIATIONS BILLS STATUS: The House Appropriations subcommittee on INTERIOR and related agencies approved a fiscal 2009 bill June 11. But Republican promises of energy amendments, and the good possibility those amendments might succeed, has frozen the bill in place. Likewise, the Senate Appropriations Committee scheduled a mark-up of a counterpart Interior and related agencies bill for July 24, but then backed off when threatened by energy amendments. Now that House Democrats have accepted offshore leasing, at least on paper for a few months, regular appropriations bills may be easier to move.

The Senate Appropriations Committee did approve a TRANSPORTATION appropriations bill (S 3261) July 9. The House Appropriations subcommittee on

Transportation marked up a counterpart bill June 20.

In addition the Senate Appropriations Committee approved an ENERGY AND WATER money bill (S 3258) July 10 that would provide \$559 million more than the Bush administration requested for the Corps of Engineers in fiscal 2009 and \$333 million more than the administration requested for the Bureau of Reclamation.

The House Appropriations Committee approved a similar bill June 25 that would increase Corps spending by \$590 million and Bureau of Reclamation spending by \$163 million over administration requests.

Assuming a straight extension of fiscal 2008 spending, here's how some individual programs would make out in fiscal 2009, compared to Bush administration recommendations and House Appropriations Committee recommendations:

* STATE LWCF: \$25 million; the same as the House subcommittee on Interior; \$25 million more than the administration request,

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

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

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

* FOREST SERVICE RECREATION: \$262.6 million; subcommittee, \$278.5 million; administration, \$237 million,

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

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

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

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

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

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

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

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

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

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

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

Court paralyzes Yellowstone snowmobile policy, for now

It is unclear how much snowmobile use, if any, the Park Service will authorize in Yellowstone National Park this winter, given a federal judge's September 15 landmark decision throwing out a pro-use Park Service rule.

The park at the moment is considering its options while interest groups continue to slug it out in court. The one thing all parties know is that Judge Emmett Sullivan in the U.S. District Court for the District of Columbia has thrown out a Dec. 13, 2007, NPS rule that authorized up to 540 snowmobiles per day in Yellowstone this winter.

The park said September 19 it was considering its options but unless it takes some new regulatory action, "neither snowmobiles nor snowcoaches will be allowed in Yellowstone or Grand Teton this winter."

The park said in a release an interim 2004 rule "remains valid," but at the same time it confused the issue by saying the rule has terminated. "Under that rule, the authority to operate snowmobiles and snowcoaches in the parks expired at the end of the 2006-2007 winter season," said Yellowstone.

Yellowstone said it does not have the authority to simply order a policy for this coming winter; it must formally develop regulations.

Bill Horn, an attorney for powered snowmobile advocates, believes NPS should adopt a rule or rules from the past that allowed even more snowmobile use than the December 2007 rule.

Horn said that when a court throws out a rule, administrative law requires reversion to a rule that had not been rejected by the courts. "My take is it goes back to either the December 2000 situation or the temporary rule," said Horn, an attorney with the Birch, Horton, Bittner and Cherot law firm and a former assistant secretary of Interior for Fish and Wildlife and Parks in the Reagan administration.

In the December 2000 situation Horn referred to, snowmobile use in Yellowstone was guided by a winter use rule that did not establish specific caps on use. The temporary rule he and the park mentioned authorized up to 720 machines a day in Yellowstone and 140 per day in Grand Teton National Park and the John D. Rockefeller, Jr., Memorial Parkway in the winters of 2004-2005, 2005-2006, and 2006-2007. That's even more than the December 2007 rule Sullivan threw out.

An alliance of powered recreation users raised the possibility that no snowmobiles would be allowed in Yellowstone this winter. "Judge Sullivan's ruling may ultimately result in there being no snowmobile or snowcoach use in Yellowstone this winter, depending on the Park Service's response, a possible appeal of Judge Sullivan's ruling, and the Wyoming litigation," said the International Snowmobile Manufacturers Association, the

American Council of Snowmobile Associations and the BlueRibbon Coalition in a joint statement.

The Wyoming court referred to by industry is run by Judge Clarence Brimmer, who has taken the opposite tack from Sullivan in past snowmobile litigation, choosing to favor snowmobile use. Brimmer has before him a competing lawsuit brought by the State of Wyoming that demands more snowmobile use than the Park Service's December 2007 rule authorizes.

A National Parks Conservation Association (NPCA) official rejected the no snowmobile possibility. "From all indications, the no snowmobile/snowcoach option simply is not a possibility, and is a misreading of the judge's decision," said Tim Stevens, NPCA Yellowstone Program Senior Manager. "Judge Sullivan simply directed the park to produce a policy consistent with his ruling."

Stevens said Sullivan's ruling directs NPS to write a new regulation consistent with his September 15 order. "What we can say with complete certainty is that Yellowstone must come up with a new rule, and that 540 or more snowmobiles is inconsistent with Judge Sullivan's ruling," said Stevens. "Beyond that, Judge Sullivan's ruling does not dictate a result."

Clearly, environmentalists would like to see Sullivan's decision force the Park Service to implement a modification of a January 2001 Clinton administration phase-out rule. The Clinton rule called for reducing by half the daily number of snowmobiles in Yellowstone beginning in the winter of 2003-2004 and elimination of snowmobile use altogether in 2004-2005. Snowcoach access would have been allowed in 2004-2005 and beyond.

In his decision on NPS's 2007 rule Sullivan held, "In contravention of the Organic Act, the Plan clearly elevates use over conservation of park resources and values and fails to articulate why the Plan's 'major adverse impacts' are 'necessary and appropriate to fulfill

the purposes of the park.' NPS Policies § 1.4.3. NPS fails to explain how increasing snowmobile usage over current conditions, where adaptive management thresholds are already being exceeded, complies with the conservation mandate of the Organic Act."

Horn, the motorized interests' attorney, blasted the decision. "I think Judge Sullivan's decision is so radical in how it interprets the 1916 (NPS) Organic Act and the 1872 Yellowstone Act that the National Park Service can't write any rule that would comply with it," he said.

"Basically, (Sullivan) said that if any visitor activity produces any adverse impact, NPS must show the use is necessary for park purposes," Horn continued. "In the past the Park Service always allowed a level of impact. This sets a whole new standards and puts all entries into Yellowstone National Park at risk."

The Park Service issued a final rule Dec. 13, 2007, that for this past winter (2007-2008) authorized snowmobile use at the levels of the three previous winters. That is, up to 720 machines a day in Yellowstone and 140 per day in Grand Teton National Park and the John D. Rockefeller, Jr., Memorial Parkway. NPS also limited the number of snowcoaches in Yellowstone to 78 per day.

For the 2008-2009 season and henceforth the rule allowed up to 540 snowmobiles per day in Yellowstone and 83 snowcoaches. All snowmobiles and snowcoaches would have to use best available technology. All snowmobiles would have to be led by commercial guides. NPS would allow 65 snowmobiles per day in Grand Teton and the parkway.

The State of Wyoming and a coalition of environmental groups immediately filed competing lawsuits against the decision. Both argue that the science NPS used to back its EIS, plan and regulations is flawed.

Judge Brimmer in Wyoming has indicated he wants to rule on the situation

before the winter snowmobile season begins in mid-December. Brimmer demonstrated last month his willingness to issue decisions contradicting his fellow judges. On August 12 Brimmer held illegal a 2001 Clinton administration rule that barred new road construction on 58.5 million acres of national forest after a federal judge in California in 2006 had upheld the rule.

Sullivan's decision, *National Conservation Park Association v. Department of Interior*, CA No. 2007-2112 EGS of September 15, is available at <https://ecf.dcd.uscourts.gov/cgi-bin/Opinions.pl?2008>. Just scroll down by date to the decision.

Giant Senate omnibus lands bill about to get bigger

The Senate Energy Committee passed 53 new lands bills September 11 and will attempt to add them to a jumbo omnibus measure (S 3213) that already counts 90 individual bills. S 3213 is now waiting Senate floor action.

The new group of bills may or may not stem the controversy that faces S 3213. Some western Republicans object to inclusion in S 3213 of a bill that would give Congressional certification to the 26 million-acre National Landscape Conservation System (NLCS) managed by BLM.

But the Republican criticism may be eased by inclusion in the new group of bills two measures favored by western Republicans: One (S 3499) would allow visitors to carry firearms in national parks and national wildlife refuges, where states provide such rights to state parks and refuges. (See related article page 9.)

Another measure (S 1680) much desired by Alaska Republicans would authorize construction of a road through the Izembek National Wildlife Refuge, thereby dedesignating wilderness. The road would connect the communities of King Cove and Cold Bay and provide an emergency exit route for citizens of King Cove.

Said William H. Meadows, president of The Wilderness Society, "This bill would put one of North America's incomparable wilderness areas at risk while spending millions more taxpayer dollars on yet another Alaska road project championed by the state's lawmakers."

At any rate committee leaders will now attempt to increase the size of S 3213 from 90 individual bills to at least 143 bills. "We'll try to incorporate the bills we just approved into the omnibus in the next week or so," said a Democratic committee staff member. He said the committee may introduce a new bill to replace S 3213.

Ranking committee Republican Sen. Pete Domenici (R-N.M.) sympathizes with much of the package, according to a committee Republican spokesman, but the jury is still out on final passage. "Anything is possible toward the end of a session," he said. "It gets down to the leadership. It's hard to see how it will turn out. Sen. Domenici would like to see it pass but there are a lot of things in play."

The committee is under the gun. Congress has barely one week left to go this year, save a lame-duck session, and Sen. James Coburn (R-Okla.) is sure to place a hold against an omnibus bill. Unless Senate Energy Committee Chairman Jeff Bingaman (D-N.M.) and Senate Majority Leader Harry Reid (D-Nev.) negotiate a deal with Coburn or come up with 60 votes to defeat a hold, the omnibus would die.

Although The Wilderness Society opposed the Alaska road through the Izembek refuge, other environmentalists praised the Senate committee for approving eight wilderness bills. "This Congress continues to build an impressive record of accomplishment on wilderness protection," said Mike Matz, executive director of the Campaign for America's Wilderness.

Among the wilderness bills the committee approved September 11 are S 3069 to designate 450,000 acres of wilderness in the eastern Sierras in California; S 3088 to designate 30,000 acres

of wilderness in the Oregon Badlands; S 3089 to designate an 8,700-acre Spring Basin wilderness area in Oregon (BLM land); HR 2632 to designate a 16,000-acre Sabinoso wilderness area in New Mexico; HR 3022 to designate a 69,500-acre John Krebs wilderness area in California; and HR 3682 to designate 200,000 acres of BLM and Forest Service wilderness in Riverside County, Calif.

Critics of the NLCS measure (S 1139/HR 2016 as a stand-alone bill) fear that it would "lock up" the 26 million acres of BLM land in the system, producing management restrictions similar to those that govern the national parks. However, the Bush administration and others say the measure simply gives Congressional certification to a management system that is already in place.

In a new development Sen. Rob Bishop (R-Utah) said September 19 that Interior Department officials told him that the department's Inspector General has launched an investigation of illegal communications between NLCS managers and program supporters. Bishop's office said, "Emails and other documents being reviewed by the Department show extensive coordination between top NLCS officials and lobbyists for environmental groups."

"The Department must insist that any employee involved in violations of the Anti-Lobbying Law step aside until the Inspector General or the Justice Department has reviewed his or her conduct," Bishop said. "Just as the employees of the royalty-in-kind program at MMS learned, we will not tolerate misconduct by public officials."

SUWA et al attack BLM OHV policy in four Utah RMPS

Nine environmental groups are throwing the book at Bureau of Land Management (BLM) resource management plans (RMPS) in Utah, charging that the proposed designation of off-highway vehicle (OHV) routes violates a half-dozen laws and policies.

In protests filed against the RMPS

in the last two months the environmentalists, led by the Southern Utah Wilderness Alliance (SUWA), charge at bottom that BLM authorized excessive OHV use. BLM has completed - but not yet issued records of decision on - six RMPs that will govern land uses in 11 million acres of the 23 million acres BLM manages in Utah.

In sum, SUWA and company said the plans are biased in favor of OHV use. For instance, they cite a BLM survey in the Moab planning area that demonstrates that only six percent of visitors use off-highway vehicles. "However," said a September 2 protest, "the PRMP does not reflect these findings and instead heavily favors motorized recreation as well as extraction uses, which often directly conflict with non-motorized activities."

In their 137-page Moab protest SUWA and allies also said BLM violated a BLM organic act prohibition against "unnecessary or undue" degradation. The act is called the Federal Land Policy Management Act of 1976.

Said SUWA, "The proposed travel plan and ORV designations will harm natural resources in a number of important ways, including: unnecessarily increasing fugitive dust and degrading air quality; unnecessarily fragmenting wildlife habitat; causing unnecessary damage to riparian areas, flood plains, and cultural resources; unnecessarily reducing naturalness in areas with identified wilderness characteristics; and impairing Wilderness Study Areas."

As always in such actions, the protestors said BLM didn't comply with the National Environmental Policy Act. They said BLM should have analyzed three other alternatives in the Moab EIS. One such alternative would have protected potential wilderness areas, another would have protected riparian areas and a third would have protected cultural resources.

The six planning areas are Kanab, Moab, Monticello, Price, Richfield and Vernal districts. Of those six both environmentalists and OHV users agree

that the Moab area may be the most important for OHV purposes. It hosts a million recreationists a year for all sorts of activities, including OHVs, off-trail bikes, cliff jumpers, river runners, hikers and campers.

BLM completed the Moab RMP August 1 and the environmentalists protested September 2. The Moab plan assessed 1.8 million acres of public land. It would open 1,866 acres to OHV use, allow limited OHV use in 1.5 million acres and would close 339,298 acres.

BLM completed an RMP for the Kanab area June 23 and the environmentalists protested August 18. The Kanab planning area covers 2.8 million acres and BLM would designate 1,385 miles of OHV routes, close 118 miles, open 525,000 acres and close 28,900 acres.

BLM completed an RMP for the Richfield area August 8 and the environmentalists protested September 8. The Richfield RMP covers 2.1 million acres and the RMP would designate 3,693 miles for OHV use, close 204 miles, allow OHV use in another 1.9 million acres and close 210,400 acres.

BLM completed a Vernal plan on August 22 and the environmentalists protested September 22. The Vernal RMP covers 5.5 million surface acres managed by BLM and designated 4,860 miles of OHV routes, closed 75,845 acres to OHVs and opened another 1.6 million acres to OHV use.

BLM completed a Price area plan August 29. The protest period ends Monday, September 29. The Price RMP covers 2.5 million acres and would authorize limited OHV use on 1.9 million acres and would close 557,000 acres to OHVs.

Finally, BLM completed a Monticello area plan September 5 and the protest period ends October 6. The Monticello RMP covers 1.8 acres and would authorize limited OHV use on 1.4 million acres and would close 400,000 acres.

Steve Bloch, staff attorney for

SUWA, said the environmentalists would protest all six plans eventually. "We're not making any secret of it," he said.

House approves No Child Left Inside Act as time runs short

The House approved legislation (HR 3036) September 18 to boost environmental education in elementary schools with an important tie to outdoor recreation.

In authorizing a new grant program to encourage state governments, local governments and nonprofits to teach children about the outdoors, the bill would have grantees describe how they will partner with park and rec offices. The bill is known as The No Child Left Inside Act.

"It's the Parks and Rec Department that takes the lead in providing environmental education to our kids," said Rep. Peter Welch (D-Vt.) "This amendment would allow those agencies to participate."

The bill doesn't contain a specific appropriation. The program would receive its money as a share of appropriations from a Fund for the Improvement of Education program administered by the Department of Education. It is estimated about \$14 million per year will go to the Kids Outdoors program.

"Environmental education gives our children the tools they need to create a more sustainable, energy-efficient future for this country," said Rep. George Miller (D-Calif.), the chairman of the House Education and Labor Committee and author of the original bill. "By teaching our children about the environment, this legislation will help encourage them to protect it - and prepare them for the green jobs of tomorrow."

Critics of the measure - it passed by a vote of 293-to-109 - said it duplicated existing programs and said the nation had higher priorities, such as energy. "We don't need to create more programs to encourage students to go on field trips," said Rep. Virginia Foxx

(R-N.C.) "They're not going to be able to go on field trips because there's no money to buy gas for the buses to take them on field trips."

Rep. Buck McKeon (R-Calif.), who ultimately did vote for the bill, criticized the sponsors for duplicating an ongoing EPA environmental education program that allocated \$9 million in grants in fiscal year 2008.

"This bill also creates a new National Capacity Environmental Education Program, under the Department of Education, to develop elementary and secondary environmental education programs," he said. "Unfortunately, this program is duplicative of the existing environmental education program already being run by the EPA, which has provided more than 3,200 grants to States, local schools and nonprofit organizations to increase environmental education."

Supporters don't expect Congress will give final passage to the legislation this year. "It's not likely anything will happen before Congress comes back next year," said Rich Dolesh, public policy director for the National Recreation and Park Association. "But this is an important first step."

Congress only has a few days left (plus a possible lame duck session) and is consumed with a financial "institution" crisis and an energy crisis. In addition, the Senate has taken no action on a counterpart bill (S 1918) introduced by Sen. Jack Reed (D-R.I.) and 15 cosponsors. And it was introduced a year ago August.

To qualify for money the bill says, "Each municipality, nonprofit organization, State educational agency, local educational agency, or institution of higher education desiring a grant under this section shall submit to the Secretary an application that contains a plan to initiate, expand, or improve environmental education programs in order to make progress toward meeting State standards for environmental learning. . . ."

The federal grant share in the

first year of the program would be 90 percent, the second year 75 percent and each year after that 50 percent.

An alliance supporting the legislation called the No Child Left Inside Coalition, says it counts 745 member organizations, including the National Recreation and Park Association and the National Parks Conservation Association.

Senate committee backs DOI on guns in parks, refuges

The Senate Energy Committee September 11 revived a long-standing controversy over guns in the national parks by approving a bill (S 3499) to authorize such use. The committee approved the measure in an 18-to-5 vote.

The bill, added to a jumbo omnibus measure (S 3213), would allow guns in both national parks and wildlife refuges to the same degree states allow guns in state parks and refuges.

Sen. Mike Crapo (R-Idaho) lauded the committee. "I strongly support 2nd Amendment rights, and we need to ensure that law abiding gun owners are treated fairly regarding federal lands," he said.

Western Republicans and some Democrats are becoming worried that the Bush administration Interior Department will not complete administratively in its tenure a rule that would authorize the transportation of firearms in parks and refuges, as the legislation would do. Thus they are trying to persuade Congress to do the job.

In the House Rep. William T. Sali (R-Idaho) unsuccessfully offered a gun use amendment July 23 to a bill (HR 5383) to expand the boundary of the Minute Man National historical Park in Massachusetts. The committee narrowly rejected the amendment in a 9-to-11 vote.

Supporters of the guns-in-the-parks policy such as the National Rifle Association (NRA) fear that NPS will find ways to stall the policy change

even though Secretary of Interior Dirk Kempthorne supports it. The NRA's concerns were heightened when the Park Service and the Fish and Wildlife Service July 9 extended a comment period until August 8 on a proposal to allow concealed weapons in national parks and refuges.

The chairman of the Senate and House subcommittees on the National Parks asked for the extension. Sen. Daniel K. Akaka (D-Hawaii) chairs the Senate panel and Rep. Raúl M. Grijalva (D-Ariz.) chairs the House subcommittee. The NRA immediately charged that Akaka and Grijalva are simply trying to defer the Bush administration proposal into the next administration.

So Sali offered the amendment to HR 5853 that the Congressman's office said would require "that laws regarding the possession or use of a fire arm be governed by State and local governments."

In April seven former NPS directors opposed the administration proposal, including George B. Hartzog Jr. (now deceased), Ronald H. Walker, Gary Everhardt, Russell E. Dickenson, James Ridenour, Roger G. Kennedy, Robert Stanton and Fran Mainella. However, a majority of senators (51 of them) wrote Kempthorne late last year asking that concealed weapons be allowed in national parks and refuges.

Concessioners see jump in foreign visitation to parks

Visitation to the National Park System has dipped only slightly this year, despite a huge jump in the price of gasoline, according to new NPS statistics. "We're not correlating visitation with the price of gasoline," said an NPS spokesman.

But concessioners say they are noticing an unusual phenomenon in the national parks: At the same time overall visitation ebbs international visitation increases substantially.

"The Park Service doesn't have a

clear grasp of the numbers but our guys tell me that international visitation is up by as much as 25 percent," said Derrick Crandall, president of the American Recreation Coalition who doubles as counselor to the National Park Hospitality Association. "If overall visitation is down by one percent and foreign visitation is up by 25 percent, then there has been a substantial reduction in the number of visits by Americans."

The Park Service spokesman cast a bit of doubt on the concessioners' estimate. "I'd be a little surprised anecdotally, because we have always gotten a lot of international visitors," he said. "We just don't track it."

Besides, said the spokesman, the shrunken value of the dollar has spurred visits from Europe and Asia. "With the value of the dollar down versus the lira in Italy, it's a good deal."

Visitation to the national parks has been a sore spot for several years for concessioners and gateway communities. Younger citizens and minorities in particular are not visiting the parks in the numbers park managers would like.

NPS is aware of the complaints and is developing a new tourism policy under the lead of Dean Reeder, national tourism chief for the agency. A draft of the policy has been around for a year and regional directors have been briefed on its contents.

The draft strategy 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.

The National Park Hospitality Association wrote NPS Director Mary Bomar September 23 and asked her to use the tourism policy to encourage visitation to the national parks, as NPS did after 9/11. "We urge you to consider the new National Tourism Strategic Plan as the vehicle for a similar message, inviting Americans to turn to our parks and other outdoor places for re-creation

and refocus as families and friends," said the association.

Crandall said one step NPS could take right now is to encourage concessioners and other businesses to sell \$80 America The Beautiful passes which entitle the bearer to entrance to all federal park and rec areas for one year.

"One of the biggest things NPS could do is allow the commercial market to sell the America the Beautiful pass," said Crandall. "We're prohibited. We can't sell on consignment."

Money is as usual a touchy subject. The draft plan assumes the creation of a "dedicated funding source" to pay for the tourism plan. The money would come from "leveraging with tourism partners and stakeholders in cooperative projects."

The latest statistics from NPS show a decrease in visitation of .87 percent in August and 1.1 percent to date for the year. Some 275 million visitors came to the National Park System last year and, at the end of the year, NPS anticipates a decrease of 1 million visitors. More statistics are available at <http://www.nature.nps.gov/stats/>.

Obama, McCain promise support for parks and conservation

Both Sens. Barack Obama (D-Ill.) and John McCain (R-Ariz.) are, on paper, strong advocates of park and rec programs.

Both praise the Land and Water Conservation Fund (LWCF.) And both say Congress should appropriate more money to reduce a maintenance backlog in the National Park System.

But President Bush sang similar refrains when he was running for office in 2000, only to later recommend major reductions in LWCF spending and to fail to reduce the Park Service maintenance backlog.

While both Obama and McCain sup-

port significant appropriations for LWCF, Obama is more explicit. His Environmental position paper says, "Barack Obama is a strong supporter of increased funding for the Land and Water Conservation Fund, which supports land acquisition and maintenance of parks."

The paper goes on, "As president, Barack Obama will lead efforts to acquire and conserve new parks and public lands, focusing on ecosystems such as the Great Plains and Eastern forests which do not yet have the protection they deserve." Obama doesn't recommend an appropriation level.

In a position paper on economic development vis-à-vis open space McCain sounds a similar chord, saying the country should "promote responsible growth and encourage state and local officials to implement open space initiatives and establish green corridors within our communities. This will require strengthening federal tools like Land and Water Conservation Fund that emphasizes recreation and the protection of wildlife areas."

McCain also laments the Park Service maintenance backlog. "Unfortunately, Congress' failure to devote the proper resources towards operations and maintenance has caused many park units to fall into disrepair," says his position paper. "As we reconnect with our outdoor heritage we must focus on maintaining these areas."

Obama's campaign makes similar promises, "As president, he will repair the damage done to our national parks by inadequate funding and emphasize the protection and restoration of our National Forests."

Given a \$500 billion annual national debt and a looming trillion-dollar bailout of financial "institutions," Obama and McCain will be hard pressed to find any extra money for conservation.

Besides, when President Bush campaigned for office in 2000 he promised to fully fund LWCF at \$900 million per year. In real life he attempted to

divert LWCF money to other purposes, albeit conservation purposes. Over the last few years he has recommended no appropriations for the state side of LWCF and virtually no new appropriations for federal land acquisitions.

Likewise, Bush promised to eliminate a \$5 billion Park Service maintenance backlog within five years. Although Bush has consistently recommended record-breaking maintenance appropriations, the backlog has remained stubbornly high.

McCain has one major park and rec accomplishment under his belt: He was the lead author of legislation in 2000 that became the National Parks Air Tour Management Act. As chairman of the Senate Commerce Committee, McCain wrote the bill that now governs air tours over national parks. However, the Federal Aviation Administration and the Park Service have not completed air tour plans for any parks. The law is cited as PL No. 106-181 of April 5, 2000.

Notes

Will Bomar leave NPS job? Park Service Director Mary Bomar intends to leave office at the end of the Bush administration in January, giving the next President an opportunity to choose his own director, *FPR* has learned. Because the director's position requires Senate confirmation, the seating of a new director will take several months. If Sen. Barack Obama (D-Ill.) is elected, definitely look for a new director. An acting director would then probably be required for as much as six months. If Sen. John McCain (R-Ariz.) is elected, he might be tempted to keep Bomar on for some time until a new Secretary of Interior was selected and confirmed and a new Park Service director was selected and confirmed, goes the speculation. A Park Service spokesman held out the possibility Bomar could also return to NPS in a different position. He noted that Bomar is a career civil servant and thus enjoys something called "retreat rights" that entitle her to return to a line park position. "She could continue as a career employee,

perhaps as a regional director," said the spokesman. "She could play that trump card." Bomar, who was sworn in on Oct. 17, 2006, as the 17th director, will probably be best known as the front woman for the Bush administration's Centennial Initiative, a \$3 billion proposal to spruce up the National Park System for its centennial in 2016. Secretary of Interior Dirk Kempthorne is generally considered the architect of the proposal.

SAFETEA highway payments resume.

The Federal Highway Administration resumed full allocation of fiscal year 2008 surface transportation money September 19 after President Bush signed legislation providing an \$8 billion rescue. The rescue came in the form of a transfer from general revenues. The transfer was needed because a sharp reduction in driving by the American people has reduced revenues flowing into the Highway Trust Fund from gasoline taxes. That fund finances programs authorized by the multi-year surface transportation law called the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU.) The law providing the \$8 billion extra for this year is cited as PL 110-318 of September 15. Secretary of Transportation Mary Peters had said that without the \$8 billion the department would have had to reduce allocations by 20 percent. The implications for recreation would be profound, in the near and long terms. Near term, for example, the transportations enhancements program that finances many trails around the country is scheduled to receive about \$780 million in fiscal 2008. A straight 20 percent reduction, as Peters mentioned, would have cut \$156 million from the program. Longer term Peters and the Bush administration proposed this summer a complete restructuring of SAFETEA-LU when it expires next year. Peters would largely eliminate park and rec programs, leaving it to the states to keep them going. Congressional Democratic leaders have thus far rejected the restructuring concept.

Yellowstone considers cell towers.

Yellowstone National Park announced September 16 that it has completed an

evaluation of the possible addition of new cell towers in the park. Towers would be banned from proposed wilderness areas, from beside park road corridors, and from minor developed areas, said NPS. The park said it would restrict the towers to a few developed areas. The towers would allow visitors to use cell phones in the park. The environmental group, Public Employees for Environmental Responsibility, complained the proposal in an environmental assessment would help make Yellowstone an "amusement park." Said PEER Executive Director Jeff Ruch, "Yellowstone officials decided that 'visitor expectations' trump resource protection, in essence, placing park values of solitude, natural sound and landscapes up for a vote." Currently, a moratorium on new cell phones in Yellowstone is in place. Comment by October 31 through the NPS planning website at <http://parkplanning.nps.gov>. Nor FAX or E-mail comments accepted.

Rep. John Seiberling dies. Rep. John Seiberling (D-Ohio), one of the most aggressive conservation advocates in Congress in the Twentieth Century, died in August of respiratory failure. He was 89. Seiberling served in Congress from 1971 to 1987. Much of that time he chaired the House subcommittee on National Parks. He and then House Resources Committee Chairman Morris Udall (D-Ariz.) teamed up to pass legislation to protect by one estimate 129 million acres of national park and wilderness land around the country. Most was in Alaska. Among his legislation was a bill that established the Cuyahoga National Recreation Area in Ohio, new Cuyahoga National Park.

NPS advisory board to sit. The National Park System Advisory Board will meet next on December 2 and 3 in Corpus Christi, Texas. The agenda includes a review of National Historic Landmarks proposals and National Natural Landmarks proposals. The board will hear from NPS Director Mary Bomar and will tour Padre Island National Seashore.

NPS concessions board to sit. The National Park Service Concessions Man-

agement Advisory Board will meet next on October 15 and 16 at the Lake Mead National Recreation Area in Nevada. The board's agenda includes a dozen initia-

tives including concessioner contract language and an update on the Bush administration's Park Service Centennial Initiative.

Boxscore of Legislation

<u>LEGISLATION</u>	<u>STATUS</u>	<u>COMMENT</u>
Appropriations 2009 (CR) HR 2638 (Price)	House approved September 24.	Would extend fiscal 2008 appropriations through March 6.
Appropriations 2009 (DOI and FS) No bill number yet.	House subcommittee approved June 11.	Would provide modest increases for most park and rec programs.
Appropriations 2009 (Energy & Water) No House bill number yet S 3258 (Dorgan)	House subcommittee approved June 25, Senate committee July 10.	Would increase Corp of Engineers and Bureau of Reclamation spending.
Appropriations 2009 (Transportation) No House bill number yet S 3261 (Murray)	House subcommittee approved June 20, Senate committee July 9.	Would provide funding for park are rec programs, as called for by SAFETEA-LU.
NPS Centennial Challenge S 1253 (Bingaman) HR 2959 (Rod Bishop) HR 3094 (Rahall) S 2817 (Salazar)	House committee approved HR 3094 May 7. Senate hearing Aug. 2, 2007.	S 1253 and HR 2959 would establish \$2 billion program to help the parks.
Omnibus Bill One S 2739 (Bingaman)	President Bush signed into law May as as PL 110-229.	Included 60 individual bills, including three new NHAs.
Omnibus Bill Two S 3213 (Bingaman)	Bingman introduced June 26.	Includes 90 individual bills, including NLCS, two new national parks. More may be added.
NPS tax assistance HR 1731 (Baird)	Baird introduced March 28, 2007.	Would authorize NPS improvement fund financed by income tax check-off.
FLREA repeal S 2438 (Baucus)	Baucus introduced Dec. 10, 2007. House hearing June 18.	Would repeal most of 2004 federal agency recreation fee law.
Heritage areas national S 278 (Thomas) HR 1483 (Regula)	Senate committee approved July 25, 2007. House approved Oct. 25, 2007.	Would establish national standards for new NHA designations. HR 1483 Would designate six new NHAs.
Farm bill HR 2419 (Peterson)	Enacted May 23 as PL 110-2334 over President's veto.	Authorizes major conservation programs for five years, including new Open Fields program.
Conservation tax credits S 469 (Baucus) HR 1576 (Thompson)	Senate committee approved Sept. 20, 2007. Thompson introduced March 19, 2007.	Would make semi-permanent conservation tax credits Congress approved last year.
Wildlife conservation grants HR 3221 (Pelosi) HR 2338 (Dicks)	House approved August 4, 2007. Dicks introduced May 16, 2007.	Both would make grant program permanent, open way for new source(s) of money.
American Discovery Trail/National Discovery Trails HR 74 (Bartlett)	Bartlett introduced Jan. 4, 2007.	Would designate an American Discovery Trail and discovery trail system.