

# Federal Parks & Recreation

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## **Bush budget request would continue NPS operations hikes**

The Bush administration submitted a fiscal year 2009 budget request to Congress February 4 that honors Secretary of Interior Dirk Kempthorne's promise to spend \$300 million per year to ready the Park Service for its Centennial in 2016.

The budget proposes a big \$161 million increase in Park Service operations spending for fiscal 2009 over a fiscal 2008 appropriation. The increase swells to \$261 million when an extra \$100 million for a Centennial Challenge matching fund is counted. Compared to two years ago in fiscal 2007 that's a \$468 million increase, largely for a \$3 billion, ten-year Centennial Initiative.

The Centennial Initiative is the doing of Secretary Kempthorne, most everyone agrees. At a budget briefing today, *FPR* asked Kempthorne if he had personally gone to bat for NPS before the Office of Management and Budget. Kempthorne smiled and said, "Yes. Yes. We can't tell you all the details, though."

While the administration budget would help NPS operations, it would hammer most other park and rec programs. It would slash spending for land management agencies. It would slash spending for conservation programs such as the Land and Water Conservation Fund. And it would slash spending for Congress's favorite program - construction. (See following two articles.)

House Natural Resources Committee Chairman Nick Joe Rahall (D-W.Va.) was offended by the administration budget. "This budget axes forest programs, undercuts our wildlife refuges, puts programs to save endangered species under the knife, neglects the needs of our National Parks, and puts a stopper in

important water programs," he said.

The National Parks Conservation Association (NPCA) praised the administration for the proposed \$161 million NPS operations increase, but criticized reductions for other service programs. "The \$161-million operating increase is an important step toward restoring our national parks, but cutting other critical Park Service funding will impede these efforts to fully restore the park system by its 2016 centennial," said NPCA President Tom Kiernan.

Reductions to construction, recreation and preservation, and land acquisition line items, among others, offset the operations increase to such a degree that, NPCA said, the total fiscal 2009 budget for NPS is only \$14 million above the fiscal 2008 appropriation.

Kempthorne focused on the NPS operations budget at the February 4 briefing. "In 2008 we received an increase of \$122 million, or six percent of park operations," he said. "Our 2009 request tops that with an increase of \$161 million, or eight percent. Together these increases total more than \$283 million, or 14 percent. Never in our history have park operations seen such increases for two successive years. Americans, mark your calendars. By 2016 we will celebrate a park system truly unparalleled anywhere in the world."

Within the NPS operations boost, the budget proposes a \$55 million increase in NPS operations maintenance, from \$656.7 million in fiscal 2008 to \$712.2 million in fiscal 2009. However, for NPS construction the administration proposed a \$46 million decrease, down from \$218.5 million in fiscal 2008 to \$172.5 million in fiscal 2009.

For the Everglades ecosystem recovery the Interior Department budget for all agencies would put up \$3.5 million less than in fiscal 2008, \$69.4 million in fiscal 2009 compared to \$73 million. But the Corps of Engineers would increase Everglades spending by \$54 million in fiscal 2009 to \$185 million.

Here's a recap of a few NPS pro-

grams in the fiscal 2009 budget request:

\* NPS OPERATIONS: \$2.132 billion, compared to a fiscal 2008 appropriation of \$1.971 billion.

\* NPS OPERATIONS MAINTENANCE: \$712.2 million, compared to a fiscal 2008 appropriation of \$680.8 million.

\* NPS CONSTRUCTION: \$172.5 million, compared to a fiscal 2008 appropriation of \$218.4 million, and

\* NPS REC & PRES: \$45.4 million, compared to a fiscal 2008 appropriation of \$67.4 million.

Three Centennial Challenge legislative proposals are before the House Natural Resources Committee that would allocate up to \$200 million per year available for the program. The program would complement Kempthorne's \$100 million per year appropriations outlay for core improvements to the parks. Under the Challenge proposals Congress would put up \$100 million for non-core improvements to the parks to be matched by private contributions. Congress approved \$25 million in seed money in a fiscal 2008 appropriations law (PL 110-161 of December 26.)

An initial bill from the Interior Department (S 1253, HR 2959) would pay for the program with \$100 million per year in guaranteed off-budget funding matched by up to \$100 million per year in contributions from nonfederal partners.

A second bill introduced by Rahall and subcommittee on National Parks chairman Raúl Grijalva (D-Ariz.), HR 3094, would finance the program from up to \$100 million per year in fees charged by Interior Department agencies to commercial users and lessees of federal lands. Rahall and Grijalva did not address partner contributions. A third bill is a variation on HR 3094 and was developed by House Democratic staff members based on recommendations from a broad alliance of interest groups operating as the National Park Centennial Network.

Until that legislation is completed bill language in the fiscal 2008 appropriations law will guide prioritization. The language says the

\$25 million Challenge money is not to be used for core operations, is not to be used for projects that commercialize the parks, and the Park Service must control the projects.

## **Bush budget request would reduce conservation spending**

The Bush administration February 4 was even more begrudging to conservation initiatives vis-à-vis Park Service operations in its fiscal year 2009 budget than it was in fiscal 2008.

In its annual budget request the administration once again recommended no money for grants for the state side of the Land and Water Conservation Fund (LWCF), matching fiscal 2007 and 2008 requests of no money. (Congress ignored the administration's request in fiscal 2008 and approved \$24.6 million for the program.)

For the Urban Park and Recreation Recovery (UPAR) program the administration asked for no money for the third consecutive year. More ominously for UPAR the administration recommended no administrative money in fiscal 2009 to keep the program alive.

However, the administration did insert \$1.4 million for administration of the state LWCF grant program in a Recreation and Preservation line item. In addition a new program to refer some Outer Continental Shelf (OCS) oil and gas leasing revenues to state LWCF grants will begin in fiscal 2009. The program will provide \$6.3 million of automatic money outside the appropriations process.

State wildlife conservation grants did better in the budget request. The administration recommended \$74 million, the same as Congress appropriated in fiscal 2008.

In other areas the administration budget asks for a \$111.8 million decrease from fiscal 2008 levels for federal land acquisition.

Between the state and federal sides of LWCF the administration would

decrease the total appropriation from \$154.4 million in fiscal 2008 to \$42.5 million in fiscal 2009.

For those with long memories, the new LWCF request falls some \$857.5 million short of the \$900 million per year President Bush promised for LWCF when he was first elected in 2000.

Here's a recap of the Bush administration's fiscal year 2008 budget request for a few outdoor programs, compared to a fiscal 2007 request:

\* STATE SIDE OF LWCF: no appropriated grant money, compared to a fiscal 2008 appropriation of \$24.6 million, but OCS oil and gas revenue would provide \$6.3 million from automatic allocations to the program.

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

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

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

\* HISTORIC PRESERVATION FUND grants: \$41.7 million, compared to a fiscal 2008 appropriation of \$45.8 million.

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

\* NEW PRESERVE AMERICA GRANTS (money comes from a Historic Preservation line item): \$10 million, compared to 2008 appropriation of \$7.4 million.

\* NATIONAL HERITAGE AREA GRANTS (money comes from a Recreation and Preservation line item): \$7 million, com-

pared to a fiscal 2008 appropriation of \$15.3 million.

## **Bush budget would slash fed agency spending; FS hit hard**

The Bush administration's fiscal year 2009 budget was far less generous to other federal land management agencies than it was to Park Service operations. Most agencies and programs would barely receive as much money as they received in fiscal 2008, if that.

Once again, the Forest Service would take the brunt of the reductions, even for wildland fire management.

For fiscal 2009 the administration recommended \$1.345 billion for management of the National Forest System, or \$161 million less than a fiscal 2008 appropriation of \$1.506 billion.

For Forest Service fire fighting the administration recommended an appropriation of \$1.880 billion, or \$378 million less than a fiscal 2008 appropriation of \$2.258 billion. (The numbers are a little misleading because the Forest Service and Interior Department received an extra \$500 million in fiscal 2008 for emergency fire-fighting paybacks.)

Put another way, the administration is requesting \$545 million more for national forest fire programs in fiscal 2009 than for the operation of the National Forest System.

National forest recreation and trails would take significant reductions. The administration recommended a 10 percent decrease for recreation, a \$25.6 million loss, and a 34 percent decrease of \$26.3 million for trails.

While Congress is of course free to set its own priorities, President Bush's determination to veto any appropriations bill that exceeds his bottom line gives Congress little flexibility if it wants to help the Forest Service. "We will write our own budget but it is a problem," one appropriations committee staff member said of the President's budget request.

"If the President is intransigent on the total, we're running out of maneuvering room," said the staff member. "This is a difficult budget. I don't want to gloss over it, but we hope there will be some flexibility."

In total for an Interior Department and related agencies appropriations bill the administration requested less than \$1 billion as much as Congress appropriated in fiscal 2008. Congress appropriated \$26.6 billion in fiscal 2008 and the administration requested \$25.4 billion in fiscal 2009, said an appropriations committee staff member.

Congress won't likely go along with the administration's proposals for the Forest Service. In fiscal 2008 the administration recommended substantial fire appropriations paired with a seven percent reduction in National Forest System appropriations. It asked Congress to decrease forest system spending by \$121 million, to \$1.344 billion in fiscal 2008. But Congressional appropriators rebelled and provided a significant \$148 million more for the National Forest System than the administration requested.

Even the Corps of Engineers with its huge recovery projects in Louisiana, Alabama and Florida (including the Everglades) was not immune from the budget axe. The administration recommended a \$656 million decrease for combined construction and operations for the Corps, from a \$4.533 billion appropriation in fiscal 2008 to a \$3.877 billion request in fiscal 2009.

Here are some of the agency requests the administration identified February 4:

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

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

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

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

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

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

\* CORPS OF ENGINEERS OPERATIONS AND MAINTENANCE: \$2.475 billion, or \$31 million more than a fiscal 2008 appropriation of \$2.244 billion.

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

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

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

## **Bush attacks earmarks, but some of them come from him**

President Bush issued an Executive Order January 29 that directs federal agencies to ignore earmarks in fiscal year 2009 appropriations bills that are included in report language and not in the text of the bills. Most earmarks are inserted in report language.

It is not clear if earmarks recommended in the Bush administration's own fiscal 2009 budget would be subject to his executive order. For instance, many if not most federal land acquisitions stem from administration recommendations and are included in reports.

In any event, Congress may be able to circumvent Bush's order by (1) exempting earmarks in the text of the bill or (2) holding appropriations bills over until the next Congress and President.

"This is not a difficult hurdle," one appropriations committee staff member said. "We can write it into the

text of the law. We've done that in the past. Whether he would sign it or not is another thing. You can also do it by referencing the report in the law. You can say \$2 million for such-and-such a program is provided that will be spent in accordance with the language in the report."

Executive Order 13457 tells heads of agencies to insure that "decisions to commit, obligate, or expend funds for any earmark are based on the text of laws, and in particular, are not based on language in any report of a committee of Congress, statement of managers concerning a bill in the Congress, or any other non-statutory statement or indication of views of the Congress, or a House, committee, Member, officer, or staff thereof . . ."

As usual in its fiscal 2009 budget request the administration recommended thousands of expenditures for specific projects. In the park and rec field that list includes land acquisition, highways and trails, water projects, federal agency construction of facilities and roads, statutory assistance under the NPS recreation and preservation line item, Corps of Engineers and Bureau of Reclamation water projects, and so on.

Do the administration's recommendation for specific projects then constitute earmarks? "The short answer is yes," said one Democratic appropriations committee staff member.

The staff member said that all earmarks come from members but when appropriators write spending bills they effectively add earmarks requested by the President. Thus, the President's requests become member-sponsored earmarks.

Says the Senate definition, "An earmark is a legislative provision or report language included primarily at the request of a Senator, Member of the House, Delegate, or Resident Commissioner, that provides, authorizes, or recommends a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant,

loan authority, or other expenditure with or to an entity, or targeted to a specific state, locality, or Congressional district, other than through a statutory or administrative formula driven or competitive award process."

Earmarks are particularly sensitive in the park and rec field because the most recent surface transportation law set aside more than \$6 billion for more than 5,800 projects over five years. An estimated 10 percent of the projects involved park and rec activities, particularly trails leading to transportation facilities. President Bush signed that law, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users Aug. 10, 2005, as PL 109-59.

Even if Congress does obey the President and identify earmarked projects in the texts of money bills, the bills are not out of the woods because the White House promised a veto if Congress does not reduce the total number of earmarks by half. Said President Bush in his January 28 State of the Union speech, "So this time, if you send me an appropriations bill that does not cut the number and cost of earmarks in half, I'll send it back to you with my veto."

### **Senators worry about major new taxes to power SAFETEA**

Like its counterpart House committee the Senate Environment and Public Works Committee (EPW) is not going to rush into the writing of a surface transportation law this year.

Like the House Transportation Committee the Senate panel is trying to absorb the near overwhelming recommendation of a blue-ribbon committee - Congress should triple spending on highways and transit over the next few years. The panel, the National Surface Transportation Policy and Revenue Study Commission, was created by Congress.

Committee staff did not want to be quoted but they said Senate EPW will probably follow the trajectory of the House and defer any bill writing until

next year. Both the Senate and House committees will, however, lay the groundwork for a bill with hearings and studies this year.

At a January 31 hearing EPW committee chairman Barbara Boxer (D-Calif.) gave little clue as to how she would prefer to finance surface transportation programs. But she said the gas tax alone probably won't cut it. "While the gas tax will continue to fund our surface program, we know that it is not a sustainable, long-term source of funding," she said.

She mentioned without endorsing other possible sources of revenues such as (1) charges for vehicle miles traveled, (2) Sen. Chris Dodd's (D-Conn.) proposal for a National Infrastructure Bank and (3) Warren Buffer's proposal for a municipal bond fund.

At a second hearing February 6 Boxer did stake out a major role for federal spending. Reacting to a recommendation from Secretary of Transportation Mary Peters that gas taxes not be increased at all, Boxer said, "This is very disappointing to me. How we come up with \$250 billion per year simply by reallocating our resources more efficiently (as Peters suggested), it's just not going to happen."

Ranking committee Republican James Inhofe (R-Okla.) put in a plug for alternative financing methods and criticized the commission's recommendation for a big increase in gas taxes. "I believe increasing the federal fuel tax by the amount proposed in your report is not doable. Furthermore, I am not convinced it is necessary," he said. "Certainly, given the balances in the Highway Trust Fund, an increase in the fuel tax must be considered, but not to the level you propose."

To pay for the new law the commission recommended a 25-to-40 cents per gallon increase in the federal gasoline tax from 14.5 cents now. Nine of the 12 commissioners signed the report. Three dissenters, including Peters, called for maintaining the existing federal gas tax and making up new revenues through a

combination of tolls, private investment and congestion pricing.

In addition the commission would:

- \* subordinate transportation enhancements to a new Environmental Stewardship Program that would receive seven percent of surface transportation program money. It is unclear from the committee's recommended formula if transportation enhancements would gain or lose,

- \* continue the existing Federal Lands Highway Program with 100 percent federal money. The report does not estimate how much money the program should receive,

- \* by implication, no longer guarantee financial set-asides to recreational trails and scenic byways programs. The report would eliminate dozens of individual programs as separate entities, so rec trails and byways would have to compete for money from the Environmental Stewardship Program and/or from other pots of money.

- \* establish an independent National Surface Transportation Commission to oversee the development of performance-based performance standards.

The report does not lock Congress and the Department of Transportation/ White House into any changes in the current surface transportation program - the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU.) The law is scheduled to expire on Sept. 30, 2009.

But the report does provide a foundation for Congressional committees to work off, particularly in the area of revenues. And that's where the report becomes controversial. It recommends an enormous increase in federal spending for surface transportation from \$85 billion per year now to \$225 billion when the next transportation law is written, increasing to \$340 billion per year over time.

The majority report also recommends condensing the 108 existing sur-

face transportation programs down to 10. Among the 10 would be Environmental Stewardship and Federal Lands.

In that it takes Congress an eternity to write major legislation such as a multi-year surface transportation bill (the last one was more than two years late), there is a very good chance the next law won't be enacted until 2010, or later. If Congress follows past practice, it will extend SAFETEA-LU for a year or two.

That also suggests Congress may take years to come to grips with a mounting financial problem facing surface transportation programs. The Bush administration estimates the Highway Trust Fund, which powers SAFETEA-LU with gasoline tax revenues, will dip into the red in fiscal 2009. By the end of fiscal 2011 the administration estimates a \$10 billion deficit in the fund, although the Congressional Budget Office puts the deficit at a less daunting \$2.4 billion by then.

Park and rec programs are feeling the fiscal crisis as Congress repeatedly orders rescissions to previous SAFETEA-LU allocations to balance its books. In fiscal 2006, fiscal 2007 and again in fiscal 2008 Congress ordered states to turn back billions of dollars from previous allocations, with transportation enhancements particularly hard hit. A fiscal 2008 rescission alone calls for a return of \$3.15 billion.

SAFETEA-LU, signed into law Aug. 10, 2005, as PL 109-59, provided park and rec program with substantial increases in spending over previous surface transportation laws, not counting rescissions.

Over five years SAFETEA-LU set aside \$24 billion for earmarks (many of them trails), \$3.3 billion for transportation enhancements, \$370 million for recreational trails, \$175 million for scenic byways, \$1.05 billion for Park Service roads, \$1.41 billion for public lands highways, \$145 million for refuge roads, \$1.86 billion for Indian Reservation roads, \$612 million for Safe Routes to Schools, and \$96.5 million for Transit-in-the-Parks.

## Bush administration proposes new World List candidates

The Interior Department February 1 nominated a final list of 14 properties for The World Heritage List of significant cultural and natural treasures.

The list includes such varied sites as three churches that played key roles in the civil rights movement in Alabama and Mississippi, four aviation locales in Dayton, Ohio, and George Washington's Mount Vernon home in Virginia.

On making his selections from a field of 35 places last month, Secretary of Interior Dirk Kempthorne said, "Each of these sites is important to Americans as well as others around the world."

Kempthorne's nominees replace a 1982 list. The diverse sites are located in 15 States and one U.S. Territory. One site, Papahānaumokuākea Marine National Monument in Hawaii, is proposed for both natural and cultural values. Federal agencies, state governments, private foundations, and religious groups own or manage the sites.

It may be some time before the World Heritage Commission accepts the nominations. The commission asks countries to wait one year after developing a list before formally submitting it, so the commission probably won't act on the list until the summer of 2010.

After six months of being criticized for allegedly conspiring to remove the Everglades National Park from an international list of endangered sites, the Bush administration has effectively changed the subject. However, a Park Service official told us the list of new nominees was launched well before the Everglades brouhaha erupted.

In addition to the civil rights, aviation, George Washington and Marine monument sites in Hawaii, the list of cultural recommendations includes: Hopewell Ceremonial Earthworks in Ohio; Thomas Jefferson buildings in Virginia; Poverty Point National Monument and State Historic Site in Louisiana; San

Antonio Franciscan Missions in Texas; Serpent Mound in Ohio; and Frank Lloyd Wright buildings in Arizona, California, Illinois, New York, Oklahoma, Pennsylvania, and Wisconsin.

The natural sites include: Fagatele Bay National Marine Sanctuary in American Samoa; Okefenokee National Wildlife Refuge in Georgia; Petrified Forest National Park in Arizona; and White Sands National Monument in New Mexico.

The existing list of 20 World Heritage Sites in the United States includes many iconic national parks such as Everglades, Grand Canyon, Yellowstone and Yosemite. NPS manages 17 of the sites.

Because UNESCO asks countries to wait a year before submitting nominations from their tentative lists, the first time that any U.S. World Heritage nominations drawn from the new List could go forward would be at the beginning of 2009 with consideration by the World Heritage Committee likely in the summer of 2010.

The Kempthorne recommendations are available at: <http://www.nps.gov/oia/topics/worldheritage/tentativelist.htm>.

## Sen. Salazar boosts FLREA repeal; Baucus looks ahead

Senate sponsors of legislation (S 2438) to eliminate the heart of a controversial 2004 federal recreation fee law got an important fourth sponsor January 31 - Sen. Ken Salazar (D-Colo.)

Salazar matters because he is an experienced member of the Senate Energy Committee majority that has jurisdiction over the legislation. Two of the other sponsors - Sens. Max Baucus (D-Mont.) and Mike Crapo (R-Idaho) - don't serve on the committee. And the fourth, Sen. Jon Tester (D-Mont.), is a rookie.

Kitty Benzar, president of the Western Slope No-Fee Coalition that opposes the fee law, said Salazar is reacting to public opinion in cosponsoring the bill. "There has been tremen-

dous opposition to (the fee law) in Colorado, and his position is very much in line the views of his constituents," said Benzar. "I hope he and Sen. Tester will use their positions on Senate Energy to bring the bill to a hearing soon. Fee-based funding for public lands is an experiment that has failed, and it's time to bring it to an end."

On background the Baucus team is confident that members of Congress will listen to their constituents and push a bill through Congress, without saying when.

Barrett Kaiser, a spokesperson for Senator Baucus, told *FPR* on the record, "Americans already pay to use their public lands on April 15. We shouldn't be nickled and dimed to go fishing, hiking, or camping on our public lands. It just doesn't make any sense. Max introduced this bill and is committed to making it a reality, so that every generation has the chance to see the breathtaking beauty of the public lands across Montana and the rest of the country."

Baucus and Crapo introduced S 2438 December 10 that would eliminate the guts of the controversial 2004 federal recreation fee law.

The bill would leave in place only Park Service entrance fees (as established in a previous law), with 80 percent of revenues still retained by collecting NPS units. In other areas S 2438 would:

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

- \* eliminate retention of recreation fees (except NPS) by the agencies and return use fees to the U.S. Treasury,

- \* cap entrance fees charged by NPS at \$25 for a single visit by car, \$12 by foot or bicycle, and \$40 for an annual pass (instead of \$15),

- \* eliminate a multi-agency Ameri-

can Passport and reinstate the old Golden Eagle and Golden Age Passports charged by the Park Service, and

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

President Bush signed the Federal Lands Recreation Enhancement Act (PL 108-447) on Dec. 8, 2004. Called FLREA, it established a permanent program that included authority for federal land management agencies to collect user fees; the Park Service and the Fish and Wildlife Service to collect entrance fees; the Forest Service, the Bureau of Land Management and the Bureau of Reclamation to collect access fees to developed recreation sites; and all agencies to sell and honor the new All-American Passport.

For the most part the law allowed collecting offices to retain 80 percent of revenues for infrastructure repair initiatives. And that is where critics, such as the Western Slope No-Fee Coalition, say the law went awry.

They maintain that federal land management agencies such as the Forest Service went overboard in collecting fees, particularly entrance fees to areas that include developed sites.

In addition the Forest Service in particular has aroused Baucus's ire by conducting master recreation planning. Critics say the exercise is designed to close campgrounds in national forests for economic reasons. The Forest Service has revised its policy this year to insure the public is consulted to help ease opposition.

## **Fed agencies and partners encourage kids to get outside**

Federal land management agencies are becoming serious about a sharp decline in outdoor visits by youth, led by a new Forest Service initiative.

Just before Super Bowl Sunday no less the Bush administration announced it would pump \$500,000 into a Forest Service "Get Outdoors" program. Other federal land management agencies such as

the Park Service and the Bureau of Land Management (BLM) have launched similar programs.

"We want every child in America to have the opportunity to experience the great outdoors, whether it is in a remote mountain wilderness or a city park," said Forest Service Chief Abigail Kimbell.

The Forest Service program will match the federal money with partner contributions to provide \$1 million in total. The money will be used for a wide variety of projects, all with the goal of sparking kids' interest in the outdoors.

The Forest Service joined with recreation industry officials and the USA Freedom Corps to announce the new program February 1 in Glendale, Ariz., site of the Super Bowl.

The Forest Service in fiscal 2007 allocated \$750,000 to a "More Kids in the Woods" campaign that partners matched with another \$750,000. Partners included other federal agencies, nonprofits, schools, museums and communities.

NPS on April 28, 2007, granted children free admittance to more than 100 National Park System sites around the country in a "National Junior Ranger Day." The program was not billed as a health initiative. Rather it was designed to encourage kids to take an interest in the nation's parks. Money for the Junior Ranger program came from the National Park Foundation.

BLM last year began a new program called "Take It Outside: Connect With Your Public Lands" that encouraged field offices to undertake initiatives with partners to get youngsters outdoors. Under it BLM partners with schools to establish field classrooms; partners with youth organizations such as the Boy Scouts of America to introduce kids to fishing, camping and other activities; and partners with families to encourage kids to recreate on BLM lands.

BLM makes the point that communi-

ties are increasingly expanding on to the borders of federal lands, with the federal lands serving as "backyards" to communities.

## Notes

**DoI IG faults Park Police.** In a potentially devastating new report, the Interior Department Inspector General said last month that the U.S. Park Police force is failing to perform its twin missions as an urban police force and protector of parks and monuments. The IG said the Park Service has failed to provide management direction from the top for security duties. Said IG Earl Devaney in an "assessment" submitted to Secretary of Interior Dirk Kempthorne January 23 (and released February 4), "Although USPP officials have stated that the protection of national icons and monuments is a top priority, USPP does not have centralized command level oversight of icon protection. Decisions affecting icon protection are primarily made at the local level." For instance, Devaney said one lieutenant in Washington, D.C., and one in New York are essentially on their own in establishing and carrying out security policy for such facilities as the Statue of Liberty, Washington Monument, Lincoln Memorial, Jefferson Memorial and the Statue of Liberty. "The lieutenants report to their respective district commanders with no centralized command-level oversight of icon protection," said the assessment. In addition the IG said the U.S. Park Police force doesn't have enough employees. "Despite increased responsibilities involving the protection of national icons and monuments, USPP staffing levels are lower now than they were 6 years ago," the assessment said. The IG report, *Assessment of the United States Park Police*, is available at <http://www.doioig.gov/>

**House approves New England Trail.** Despite pointed criticism from western Republicans, the House January 29 approved legislation (HR 1528) to designate a 220-mile New England National Scenic Trail in Massachusetts and Connecticut. The trail is already in place and is managed by state and local agencies and two nonprofit groups. Critics

such as Rep. Rob Bishop (R-Utah) said a federal designation of the trail is unnecessary and poses a risk to private property owners along the trail. "If you look at the management plan, it talks about a blueprint for recommendations to utilize restrictive zoning, height restrictions, land acquisition easements, et cetera, et cetera, going through all sorts of other concepts," he said. "This simply means this: this legislation authorizes and encourages the Federal Government, the Park Service, to gain land in the future in this trail system." But, countered Rep. John Olver (D-Mass.), "There is no expectation of there being any Federal land there. It was never intended there would be federally-owned land. Whatever protection of the land would be held by (a nonprofit group manager) or on behalf of the State of Connecticut. And in Massachusetts, the same thing is basically true." The House approved HR 1528 by a 261-to-122 vote. Republicans complained House Democratic leaders would not let them offer amendments dealing with private property rights.

**Senate panel preps park, rec bills.** The Senate Energy Committee approved 42 bills dealing with the outdoors January 30, including studies of new national parks, and designation of wild and scenic rivers and national trails. The committee approved a bill (S 327) to study sites in California significant to the life of Cesar Chavez and a bill (S 1969) to study sites in the Virgin Islands significant to the life of Alexander Hamilton as possible units of the National Park System. The committee approved a bill (S 86) to designate segments of the Fossil Creek in Arizona and a bill (2034) to designate segments of the North and South Forks of the Elk River in Oregon as wild and scenic rivers. The committee approved a bill (S 2098) to establish a Northern Plains Heritage Area in North Dakota. And it approved a bill (S 1991) to authorize a study of additions to the Lewis and Clark National Historic Trail related to the expeditions return from the Pacific.

**Top Court to take FS appeals test.** The Supreme Court said last month it will consider a circuit court decision

that could require the Forest Service to take public comments on - and allow appeals of - activities that are categorically excluded from environmental documentation. The Ninth U.S. Circuit Court of Appeals had held in June 8, 2007, that a 1992 Appeals Reform Act (ARA) required a public comment and appeals process for all activities. The Ninth Circuit, the burial ground of Forest Service regulations, held that the service could not issue a rule that categorically excluded certain activities, including forest fire fuel reductions projects, from both environmental review and the public comment/appeals process. Solicitor General of the United States Paul D. Clement told the Supreme Court it should throw out the Ninth Circuit decision because the case is not ripe. That is, the solicitor said the underlying lawsuit is wrongfully filed against a Forest Service regulation. For the suit to be justiciable, the Solicitor said, the Forest Service must first approve a specific project under the regulation, such as a fuels reduction project. The Ninth U.S. Circuit Court of Appeals held last June that environmental law as embodied in the National Environmental Policy Act (NEPA) is not exempt from the appeals review in the ARA. "The plain language of the ARA states that the Forest Service 'shall' provide for administrative notice, comment, and appeal," said the court. "The statutory language does not refer to NEPA. The statute does not provide for any exclusions or exemptions . . ." For a copy of the solicitor's petition, which includes the Ninth Circuit decision, E-mail us at [james@federalparksandrec.com](mailto:james@federalparksandrec.com) and ask for "FS appeals case."

**FS posts open space strategy.** The Forest Service said February 4 it is making available to the public a strategy for working with partners to preserve a network of open space across the country. When the service announced it was developing the strategy Dec. 6, 2007, chief Abigail Kimbell said, "Our vision for the 21<sup>st</sup> Century is an interconnected network of open space across the landscape - one that supports healthy ecosystems, renewable resources, and a high quality of life for Americans." The service says a farm bill

recommendation submitted by the Department of Agriculture would help by paying farmers to conserve open land rather than to farm it. The service projects in a report *National Forests on the Edge* that by the year 2030 21 million acres of rural private land near national forests and 44 million acres of private national forest will face an increase in housing density. The strategy is available at <http://www.fs.fed.us/openspace>.

**FS roadless panel to meet.** The advisory body that the Forest Service consults on national forest roadless areas will meet next on February 20 and 21 in Las Vegas, Nev. The service did publish the committee's agenda but two major proposals to craft state-specific rules to meet the recommendations of the governors of Colorado and Idaho are now under consideration by the service. The committee is formally called the Roadless Area Conservation National Advisory Committee. On January 7 the Forest Service published a draft rule that would implement an Idaho petition and allow some road construction and timber harvesting in national forest roadless areas in the state. The petition would open up somewhat 9.3 million acres of roadless areas within 10 national forests. The Forest Service gave notice December 26 that it would prepare an EIS and rule to implement a Colorado roadless area petition. The Colorado petition would allow slightly more road construction than a Clinton rule that bars most roadwork, but in carefully drawn circumstances. The petition would exempt approximately 300,000 acres of the 4.4 million acres of roadless national forest in Colorado from the Clinton rule. For more information on the meeting contact: *Jessica Call, Roadless Area Conservation National Advisory Committee Coordinator, at [jessicacall@fs.fed.us](mailto:jessicacall@fs.fed.us) or 202-205-1056.*

## Conference calendar

### FEBRUARY

10-13. **National Association of Conservation Districts** annual meeting in Reno, Nev. Contact: National Association of Conservation Districts, 509 Capitol Court, N.E., Washington, DC 20002. (202) 547-6233. <http://www.nacdnet.org>.

24-28. **Association of Partners for Public Lands** annual convention in Denver. Contact: Association of Partners for Public Lands, 2401 Blueridge Ave, Suite 303, Wheaton, MD 20902. (301) 946-9475. <http://www.appl.org>.

### MARCH

1-4. **Recreation Vehicle Industry Association** annual meeting in Hawaii, Hawaii. Contact: Recreation Vehicle Industry Association, 1896 Preston White Drive, Reston, VA 20195-0999. <http://www.rvia.org>.

1-5. **National Association of Counties** legislative conference in Washington, D.C. Contact: National Association of Counties, 440 First St., N.W., 8th Floor, Washington, DC 20001. (202) 393-6226. FAX (202) 393-2630. <http://www.naco.org>.

4-5. **National Forest Recreation Association** annual conference and trade show. Contact: National Forest Recreation Association, P.O. Box 488, Woodlake, CA 93286. (559) 564-2365. <http://www.nfra.org>.

8-12. **American Alliance for Health, Physical Education, Recreation and Dance** annual meeting in Fort Worth, Texas. Contact: AAHPERD, 1900 Association Drive, Reston, VA 20191. (703) 476-3400. <http://www.aahperd.org>.

11-14. **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>.

25-29. **North American Wildlife** conference in Phoenix, Ariz. Contact: Wildlife Management Institute, 1146 19th Street, NW, Suite 700, Washington, DC 20036. (202) 371-1808. <http://www.wildlifemanagementinstitute.org>.

26-30. **Society for American Archaeology** annual meeting in Vancouver, B.C., Canada. Contact: Society for American Archaeology, 900 2nd St., N.E., Suite 12, Washington, DC 20002-3557. (202) 789-8200. <http://www.saa.org>.