

Federal Parks & Recreation

Editor: James B. Coffin

Subscription Services: Celina Richardson

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Interest groups send Hill Centennial recommendations

A coalition of interest groups last week reached agreement on legislation designed to enact the Centennial Challenge portion of a Bush administration Centennial Initiative.

The groups - representing state and local governments, the powered recreation industry and environmentalists, to name a few - are asking that their recommendations be used to modify a Democratic bill in the House Natural Resources Committee. That bill would raise \$1 billion over the next year for projects that would enhance the national parks as the system approaches its centennial in 2016.

Among other things the groups' recommendations are designed to minimize the amount of money spent on brick-and-mortar projects, provide small parks a piece of the pie, open the way for area-wide projects and allow concessioners to participate in partnership projects.

The interest groups include the National Parks Conservation Association, the American Recreation Coalition, The Wilderness Society, and the National Recreation and Parks Association. They submitted most of their recommendations to Congressional staff members September 14 but were still fine-tuning some of the recommendations this week.

Although the interest groups reached a consensus of sorts in a long conference call Septembers 13, the bottom-line problem remains - finding a source of money to offset the estimated \$100 million per year drain on the federal treasury. (See following article.)

In more bad news for the Challenge program, Senate Majority Leader Harry Reid (D-Nev.) essentially said last week

he wasn't ready to endorse a \$100 million per year levy on the Treasury. Reid met with recreation industry leaders.

Under consideration is a Bush administration Centennial Initiative that would pump an extra \$300 million per year into the National Park System in anticipation of its 100th anniversary. In one portion of the program the administration would have Congress add \$100 million per year to appropriations bills to upgrade core functions - operations and maintenance.

In the other portion of the program the administration would have Congress enhance the parks by passing legislation to guarantee up to \$100 million per year for a Centennial Challenge matched by up to \$100 million per year in partnership grants. Sen. Jeff Bingaman (D-N.M.) has introduced the administration bill as S 1253 and Reps. Rob Bishop (R-Utah) and Don Young (R-Alaska) have introduced the administration bill as HR 2959.

The political situation became complicated when House Natural Resources Committee Nick Joe Rahall (D-W.Va.) and House subcommittee on National Parks Chairman Raúl Grijalva (D-N.M.) introduced a competing bill (HR 3094.) Rahall and Grijalva took issue with the administration ideas of, one, private interests contributing so much money to the park system and, two, the Bush administration having a free hand in deciding where the \$2 billion in Centennial Challenge money would be spent.

The Rahall=Grijalva bill would establish a \$100 million per year program that would be financed by fees on commercial operations on federal lands. In addition the Rahall and Grijalva bill would not establish a matching partnership grant program.

It is widely assumed the Rahall-Grijalva bill will serve as a mark-up vehicle when the House Natural Resources Committee addresses the issue, perhaps as early as next month.

Since the administration first

proposed the Centennial Initiative in February, the public and interest groups have been as one in support of it. However, almost everyone has complaints: Congressional Democrats worry about excessive involvement of private partners in running parks. Retired NPS officials worry about excessive hard construction projects. Concessioners feel left out. State and local officials worry that Congress will be so focused on the national parks it will forget about state and local rec needs. Managers of other federal agencies fear the Park Service will take so much money out of appropriations little will be left for them.

Similarly, private property rights advocates, long the sole critics of the National Park Service, object to the Centennial Challenge because the money could be used to acquire private property. "That makes it a problem for us," said Chuck Cushman, president of the American Land Rights Association. "But other than that we think it's a good idea setting aside money, particularly for deferred maintenance."

The Bush administration August 23 identified park-by-park some of the projects it intends to undertake over the next 10 years as part of the Centennial Challenge. For fiscal years 2008 and 2009 the administration named \$364 million worth of projects. The projects are listed in a report called *The Future of America's National Parks*.

Secretary of Interior Dirk Kempthorne said at a press conference in Yosemite National Park August 23 that philanthropic pledges have far exceeded expectations and far exceeded the \$20 million that doubters had projected as first year collections. He said the department has received more than \$300 million in partnership matching promises. Kempthorne called the outpouring of support "stunning."

The early list would contribute \$150.9 million to ongoing projects and \$218.4 million to new projects. The big winners include a Flight 93 National Memorial in Pennsylvania (\$44.7 million), replacement of the Old Faithful

visitor center in Yellowstone National Park (\$26.1 million) and replacement of the USS Arizona Memorial visitor center in Hawaii (\$24 million.) All three are ongoing projects and all three are mostly brick-and-mortar projects.

On May 31 Interior published a *Vision for the Future* report that laid out five overarching goals for the initiative over the next 10 years. On August 23 Interior identified projects and programs to reach those goals, park-by-park. The report, *The Future of America's National Parks*, is available at <http://www.nps.gov/2016>.

The recommendations from the coalition of interest groups address the Rahall-Grijalva bill and not the Bush administration Centennial Challenge bill. Those recommendations would:

* BRICK-AND-MORTAR: Place a cap on hard construction projects each year of 30 percent of available funds, with authority for the Secretary of Interior to waive that limit as long as he tells Congress first. The interest groups would place no restrictions on other categories of entitlements. HR 3904 as written would allocate certain percentages of annual revenues to particular categories, such as 30 percent for education, 10 percent for natural resource protection and 10 percent for environmental leadership.

The Coalition of National Park Service Retirees in particular advocates that the Centennial Challenge money not be used for constructing visitor facilities and other structures.

* SMALL PARKS: Encourage the Park Service and the National Park Foundation to provide assistance to small parks that don't have the support of wealthy friends groups. Rahall and Grijalva have also expressed concern that the Yosemite and Yellowstone would get fat while small park units would starve.

* AREA WIDE PROJECTS: Make sure that NPS considers projects that cross park and regional boundaries. The Interior Department's August 23 list of fiscal 2008 and 2009 projects almost exclusively focused on individual units.

* NO REC FEES: Insure that recreation users and recreation contractors not pay fees to finance HR 3084. That would shift the costs to commodity industries, such as oil and gas companies. At least one oil industry official has complained to us and said that national park users should pay for the National Park System, not operators on other federal lands.

* CONCESSIONERS: Allow concessioners to partner with non-profit groups to contribute to parks. This is a highly sensitive issue. Environmentalists have long complained about concessioners using their financial power to influence park policies.

* FUND RECIPIENTS: Add two new categories of activities that would be eligible to receive funds from the Rahall-Grijalva bill - recreation and cultural resources. As written HR 3904 would distribute revenues to diversity, park professionals, environmental lead-

A personal note from Editor Jim Coffin

Dear Reader:

As you may know I've been struggling a bit with kidney cancer. Here's an update:

Chemo is over. The kidney is long gone. Last week doctors completed a battery of post-chemo tests and said I'm clear of cancer, for now. They will repeat the tests in December. They also said there is a chance of a recurrence. I will go through four tests every three months for the next several years.

I feel great. And I want to thank each of you for your encouragement.

Chemo was, as predicted, all kinds of unpleasant things. But I didn't miss a day's work, I didn't lose weight, and my hair thinned only slightly.

Lessons learned? Don't smoke. My doctors say that cigarette smoking probably caused the cancer and I quit 28 years ago. And get outdoors and exercise. My physical fitness base made all the difference going through chemotherapy.

Again, thanks for your encouragement, Jim Coffin

ership, natural resource protection, education and construction.

Centennial Challenge has everything but the money

Although interest groups reached a consensus of sorts August 13 on a billion dollar Centennial Challenge program to spruce up the national parks, the groups failed to agree on a strategy for paying the bill.

"The elephant in the middle of the room is offset," said Rich Dolesh, public policy director for the National Recreation and Park Association. "Diverse groups reached agreement on everything except the offsets. The House Democrats have a plan to increase commercial and leasing fees on federal lands. They are asking, 'If you don't like it, what is your alternative?'"

On the table of course is a Bush administration Centennial Initiative that would provide an extra \$300 million per year into the National Park System in anticipation of its 100th anniversary. In one portion of the program the administration, led by Secretary of Interior Dirk Kempthorne, would have Congress add \$100 million per year to appropriations bills to upgrade core functions - operations and maintenance. That's not controversial.

In the other, controversial portion of the program the administration would have Congress enhance the parks by passing legislation to guarantee up to \$100 million per year for a Centennial Challenge matched by up to \$100 million per year in partnership grants. Sen. Jeff Bingaman (D-N.M.) has introduced the administration bill as S 1253 and Reps. Rob Bishop (R-Utah) and Don Young (R-Alaska) have introduced the administration bill as HR 2959.

Competing with the administration's Centennial Challenge is a bill (HR 3094) from House Natural Resources Committee Nick Joe Rahall (D-W.Va.) and House subcommittee on National Parks Chairman Raúl Grijalva (D-N.M.) They would allocate \$1 billion over 10 years to the parks from fees

paid by commercial users of federal lands.

Interest groups from all stripes reached agreement last week on most details of the legislation (*see previous article*), but they don't agree on how to pay for it.

It is pretty well conceded that the Rahall-Grijalva bill with the commercial fees will be the mark-up bill in the House Natural Resources Committee as early as next month.

But, said a source close to the negotiations among the interest groups, the House Democrats and the Bush administration, "Both proposals on the plate appear to be nonstarters. The commercial fees are a nonstarter because the administration won't accept them. The oil and gas companies and ranchers and miners that would pay those fees are core administration constituencies."

This source continued, "The Democrats are not going to accept any proposal that would be paid for by ANWR royalties." The administration bill would have Congress guarantee \$100 million per year in the budget, presumably from leasing for oil and gas in the Arctic National Wildlife Refuge.

In more bad news for financing the Challenge program, Senate Majority Leader Harry Reid (D-Nev.) essentially said last week he can't endorse a \$100 million per year levy on the Treasury. Reid met with recreation industry leaders.

"Reid said he supports the idea of a Centennial but he's not ready to support the idea of a \$100 million per year fund," said Derrick Crandall, president of the American Recreation Coalition, an industry alliance. "He said there are a lot of good (competing) spending proposals out there, so this would be politically very difficult to support."

There is another budget problem that no one is willing to talk about publicly. Competing for any new money in the House Natural Resources Committee is legislation to compensate western

counties for the presence of federal lands in their midst. A lead bill (HR 3058) from Rep. Peter DeFazio (D-Ore.) would allocate more than \$4 billion over five years to the county initiatives, called the Secure Rural Schools and payments-in-lieu of taxes programs. Like the Rahall-Grijalva bill, HR 3058 would obtain its revenues from the nebulous commercial fees.

Alexander talks with interest groups about a new PCAO

Sen. Lamar Alexander (R-Tenn.) may attempt to persuade Congress this year to establish an outdoor recreation commission so that the next President can address its recommendations forthwith.

His office confirmed this week that Alexander may amend his original plan to move legislation in the next Congress, and do it now. "Senator Alexander does want to move a third Commission on the Great Outdoors forward soon, but is still deciding if he thinks an executive order or if legislation is the best way to do that," a spokesman said September 17.

Whatever the timing, Alexander intends for the commission and its end product to be non-political. "He's looking at how to speed up the process while avoiding any partisan taint," said one source who has talked about the commission with Alexander. "At this point he is in a listening mode. Although he is not committed to it, he is listening."

When Alexander chaired the President's Commission on Americans Outdoors (PCAO) in the mid 1980s as then-governor of Tennessee, that panel recommended dozens of major strategies to revive park and rec programs. Perhaps most noteworthy the commission recommended in 1987 a \$1 billion trust fund to guarantee money for the Land and Water Conservation Fund (LWCF.)

In a March 29 speech to the Senate Alexander said it was time to do it again. "I believe there is a huge conservation majority in our country, and I believe the next President can capture

that majority and help us create a new conservation agenda," he said then. "It is time to create a third President's Commission on Americans Outdoors."

Alexander's original plan was to wait until the next President was elected and begin work in 2009 on a bill. But, "by the time the commission gets operating and submits recommendations it would be 2011 and that would be almost too late for the next administration to do anything with it," said Derrick Crandall, president of the American Recreation Coalition. Crandall, who served on the last PCAO with Alexander, is championing the establishment of a commission as soon as possible.

Alexander met with a half-dozen interest groups September 10 including representatives of the Sporting Goods Manufacturing Association, the American Hiking Society, the Recreational Boating and Fishing Association, the National Wildlife Federation, the Outdoor Recreation Alliance, and the National Association of State Park Directors.

Rich Dolesh, public policy director for the National Recreation and Park Association, told us, "I said (at the meeting) that there was more of a compelling reason than just the fact we haven't had one in 20 years. I noted the obesity crisis, the need to reconnect children with nature, and the declining funding for parks and recreation."

There has been some talk about Alexander chairing the next PCAO. But, the senator's aide said, "I'm sure Sen. Alexander would be flattered and honored, but I imagine since he's already served as the chair and because he's very happy serving the people of Tennessee as their senior senator, he'd probably not be interested."

Politics as always enters these discussions. Said one interest group source, "The question I have is how much bipartisan support there would be for a new President's commission. Alexander is known as a middle-of-the-road Republican who reaches across the aisle. But if this is seen as a step taken on be-

half of the recreation industry, that would be another thing. Environmentalists have been concerned about the commercialization of the national parks." This source emphasized that the groups meeting with Alexander represented a wide range of interests.

In the last PCAO, private property rights groups brought a lawsuit against the commission for holding closed meetings in violation of the Federal Advisory Committee Act. Subsequently, then Secretary of Interior Don Hodel postponed printing of a final report. The Island Press publishing company eventually printed it.

The Reagan administration established a task force that came up with a very different report on outdoors policy than PCAO submitted. The 1987 Reagan report, *Outdoor Recreation in a Nation of Communities*, did not include a recommendation for a dedicated trust. Instead it recommended a combination of strategies for protecting land including private funding, land exchanges and protection of private property.

Alexander last year helped push through Congress a new law that will send .125 percent of new oil and gas royalties from the Gulf of Mexico to the state side of LWCF. President Bush on Dec. 20, 2006, signed an energy law (PL 109-432) that will allocate about \$150 million from those royalties to the state side program over the next 15 years.

Alexander argues that a new PCAO is needed because the nation has changed so much in the last two decades. "There are new challenges and opportunities that were barely on the agenda 25 years ago: climate change, the 100th birthday of the National Park System in 2016, invasive species, and new technology which offers both promise and challenge," he said on the Senate floor.

Senate stands up for bike trails in highway money fight

The Senate rejected by an overwhelming 80-to-18 margin September 12 a proposal to bar the construction of

bicycle paths with fiscal year 2008 transportation bill (HR 3074) money.

The sponsor of the amendment, Sen. Tom Coburn (R-Okla.), called for the bicycle path money to be diverted to bridge and road safety projects. But Republican and Democratic senators rose to the defense of bicycle paths.

The Senate then went on to approve HR 3074 and send it to a House-Senate conference committee with a bill the House approved July 24. The conference will have to resolve these major issues affecting park and recreation projects, directly or indirectly:

* RESCISSIONS AMOUNT: Both the House and Senate approved provisions that would require states to rescind billions of dollars from previous allocations to highway programs. The House bill would require states to rescind \$3 billion in previous surface transportation allocations. The Senate would require rescissions of \$2.89 billion.

* RESCISSIONS PROPORTIONALITY: The House and Senate differ on what percentage should be taken out of specific programs. The House voted 217-to-201 to give some protection to the transportation enhancements program by requiring that give-backs be apportioned equally among all programs. The Senate disagreed and specified that states be given freedom to take rescissions from whatever programs they choose. In some earlier rescissions, transportation enhancements had borne a disproportionate share of the load.

* RABA: Both houses have included \$630 million in their appropriations bills to accommodate increased spending. However, the Bush administration says a provision of the law called Revenue Aligned Budget Authority (RABA) requires a decrease. Said the Office of Management and Budget in a September 11 administration position statement on the Senate bill: "At authorized levels, the Highway Account is spending beyond its means and will become insolvent in 2009. By providing additional funding through RABA adjustments this bill only exacerbates the situation, . . ."

The transportation appropriations bill could be the first domestic spending bill to reach a conference committee this year. But, given the administration's opposition to the spending levels in HR 3074 - more than \$3 billion above White House recommendations, the bill could also be the first spending bill vetoed.

Coburn said on the Senate floor September 12 that using trail money for bridge and road safety is a simple matter of priorities. "Through the years, we have spent hundreds of millions of dollars on bicycle paths," he said. "It is great, it is fun, they are enjoyable, but it isn't as important for us to have fun and enjoyment as it is for us to be responsible in repairing the roads and bridges in this country." He estimated the bill contained \$12 million to \$18 million for trails.

Coburn took a shot at House Transportation Committee Chairman James Oberstar (D-Minn.), who is both a champion of bike trails and a representative of the state that hosted the I-35 bridge disaster in Minneapolis. Coburn cited a Minnesota Star Tribune article that said Oberstar "has lavished federal gas-tax dollars on bike trails for years."

But Sen. Richard Durbin (D-Ill.) said that states already give last priority to trails. As evidence, he said states cut trails projects first when Congress orders them to rescind money. "For example, in fiscal year 2006, States rescinded \$602 million of Transportation Enhancements funds, 15 percent of all rescissions in that year," he said. "A more proportional share would have been closer to 3 percent."

Besides, Durbin said, bike path money is a safety issue because trails reduce bicycling and walking fatalities on busy roads. And he said the trails encourage Americans to exercise.

RESCISSIONS: If the fiscal 2008 Transportation appropriations bill does impose a new round of rescissions on the states, it will be the fourth in the last three fiscal years. In a fiscal 2006 rescission, states turned back from

transportation enhancements \$601,763,022 out of a total rescission of \$3.845 billion. In a first round of fiscal 2007 rescissions states turned back \$199,180,527 from transportation enhancements out of a total rescission of \$3.472 billion.

At the moment the Federal Highway Administration (FHWA) is evaluating a third set of rescissions (the second round for fiscal 2007), this time of \$870 million. California must return the most money, \$79.2 million, followed by Texas, \$72.3 million.

The transportation enhancements program receives more than \$600 millions per year from the multi-year 2005 Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.

Transportation enhancements has one important advocate in the rescissions wars - Oberstar. In July his transportation committee approved legislation that would require states to treat transportation enhancements proportionately in rescissions. That legislation was subsequently included in a comprehensive energy bill (HR 3221) the House approved August 4.

The committee provision calls for rescissions "in the ratio that the amount of funds apportioned for each program under such chapter for such fiscal year, bears to the amount of funds apportioned for all such programs under such chapter for each fiscal year."

The provision contains a second paragraph singling out transportation enhancements as a program to be treated fairly. However, the legislation is prospective only and would not apply to the most recent FHWA rescission request. Similar language is included in the House version of a Transportation money bill.

But the American Association of State Highway and Transportation Officials objected to the transportation committee July 23, "A provision in the bill that would require the States to

distribute the rescission proportionately among all program categories would further interfere with States' ability to manage their highway programs, set priorities and craft long-term financial strategies."

NPS, Congressmen disagree on Statue of Liberty access

The Park Service rejected September 18 the notion of the Congressmen that represent the Statute of Liberty that the crown could be reopened to the public with minimal difficulty.

Daniel N. Wenk, deputy director of NPS, told the House subcommittee on National Parks September 19 that engineering studies NPS has commissioned say it is not feasible for health and safety reasons to reopen the crown.

"Over the last seven years the National Park Service has worked with architectural engineering firms and has had them perform numerous fire protection emergency management assessments," he said. "These assessments determined that the interior of the Statue of Liberty did not meet minimum health and safety standards required by applicable building codes. The experts have been unable to identify any feasible options that would allow the area between the statue's observation deck and her crown to meet code requirements."

Wenk also rejected the notion that NPS has closed the crown to the public because of terrorist concerns stemming from the September 11 attacks and not because of health and safety concerns.

"Our primary concern about public access to the Statue of Liberty's crown are safety and health concerns, not terrorism," said Wenk.

The representatives who represent Liberty Island, Reps. Anthony Weiner (D-N.Y.) and Rep. Albio Sires (D-N.J.), claim that NPS is overstating the safety issue.

"Since September 11 every single park has reopened and every single monument has reopened except for the one

that has liberty in her name," Weiner told the House subcommittee. "Ladies and gentlemen, it is a scandal that it remains closed to this day. It is not the fault of Congress. Congress on at least two occasions said to the National Park Service, if you need money we will give it to you. But this is not about a failure of money. This is a failure of creativity and courage on the part of the National Park Service."

Weiner went on, "This comes down to a question of whether we in Congress are going to ask the National Park Service to start to plan to reopen Lady Liberty's crown. They are not wrong that it is cramped in there. They are not wrong that I probably wouldn't go in there if I was overweight. They are not wrong that we should limit the number of people and have visitors register in advance. But tell us why after all these years one iconic park remains closed."

Weiner in June persuaded the House to approve \$1 million to study the situation in an amendment to a fiscal year 2008 Interior appropriations bill (HR 2643.) He said that friends of the Statue of Liberty have raised more than \$20 million for security purposes. One unofficial guess put the cost of restoring access at \$7 million.

At the September 19 hearing, subcommittee chairman Raúl Grijalva (D-N.M.) suggested Congress may direct the Park Service to study ways to open the crown again. "If at the discretion of this committee we requested an alternative plan to allow people in the crown, would you eliminate that possibility?" Grijalva asked Wenk.

"We would look at any request that Congress directed us to do," Wenk said. "We believe we have made inquiries about what we could do to make it accessible. We would continue to look if so directed by the committee."

Grijalva said a pre-2001 NPS fire plan said the situation was not so bad that the crown had to be placed off limits. "What changed?" he asked. Said Wenk, "At the time the monument was

closed in 2001 we had the opportunity to fully study the situation and comprehend the risk. We now know the (access way) to the crown does not meet national, international and local fire codes. We have looked at other options. We believe none of them can be achieved without a negative impact."

Weiner has said the closure of the crown was having serious economic impacts on New York City's economy. "Since her crown was closed to the public, the Statue has seen a 40.8% drop in visitors," he said in July. "This loss of 2.24 million tourists has cost New Yorkers millions in lost economic benefits."

Rep. Sires, in whose district the Statue of Liberty officially is located, supported Weiner at the House subcommittee hearing.

Property advocates criticize Mount St. Helens park idea

Private property rights groups promise to call out their troops to block any legislation to add Mount St. Helens to the National Park System.

"We're going to put our full energies into stopping this," said Chuck Cushman, president of the American Land Rights Association. "We'll do everything we can to stop Mount St. Helens from becoming a national park."

Mount St. Helens is now managed by the Forest Service as part of the Gifford Pinchot National Forest in Washington. A coalition of Washington State mayors, legislators and conservation groups last month began a drive to add Mount St. Helens to the National Park System.

The coalition told Rep. Brian Baird (D-Wash.) that Mount St. Helens could receive help as a national park not now available to it. The coalition is also hopeful that the state's U.S. senators will help out. It is believed that Sen. Maria Cantwell (D-Wash.) is sympathetic to the transfer but that Sen. Patty Murray (D-Wash.) has not made up her mind.

"(Supporters of the transfer) aren't going to quit," said Cushman. "They will have the support of at least one if not both senators. That will make it difficult to stop."

The advocates of a Mount St. Helens National Park, including the National Parks Conservation Association, wrote Baird August 23 asking him to support a park. Subsequently on August 28 Baird held a summit on the future of Mount St. Helens attended by supporters and critics alike.

Rep. Baird has not taken a position on the request, his office said. And there is no time line for a decision. Baird has a long history as a parks advocate, serving as cochairman of the Congressional National Parks Caucus.

Supporters of the transfer say Congress would provide much more money for the operation of Mount St. Helens as a national park than as part of the National Forest System (perhaps quadrupling it.) They note correctly that overall Park Service appropriations are increasing by leaps and bounds while overall Forest Service appropriations are headed south.

In addition they note that the Bush administration has recommended a \$3 billion increase in spending for the parks over the next 10 years. The infusion of money, said Sean Smith, Northwest regional director of the National Parks Conservation Association (NPCA), would open the area to visitors.

But Cushman rejected the notion that designation of a new national park unit automatically brings in visitors. "It rarely happens," he said in a draft Op-Ed article he circulated recently. Redwood National Park, Canyonlands National Park and Voyageurs National Park received only a small percentage of the visitation increases they were promised, he said.

Cushman also argued that the Park Service will be more difficult to deal with for local communities than the Forest Service. "If you call people in communities close to virtually any Na-

tional Park they will tell you they love their national park," he said. "They just really don't like working with the National Park Service."

President Reagan designated the Mount St. Helens National Volcanic National Monument in 1982, two years after a May 18, 1980, eruption killed 57 people and eviscerated miles of forests. The monument extends over 110,000 acres.

The Gifford Pinchot National Forest now spends about \$1 million per year on Mount St. Helens, according to NPS's Smith. As a Park Service unit he would hope Mount St. Helens would receive around \$4 million per year.

Rep. Mark Souder (R-Ind.), a major supporter of the National Park System, brought up the idea of transferring Mount St. Helens National Volcanic Monument to NPS in November 2005. Citing an article from the Columbian newspaper that discussed the idea, he said, "When I visited the monument earlier this year, the same idea occurred to me. Perhaps it is time we look into it."

Coincidentally, Baird and Souder are cosponsors of legislation (HR 1731) that would authorize the establishment of an NPS improvement fund financed by income tax check-offs.

The Bush administration position on the designation of new national parks has been simple - no. At least not until Congress finds the money to manage existing national parks.

Domestic money bills going down to the wire, as usual

With one week to go until the next fiscal year begins October 1 Congress has made significant progress on only one domestic appropriations bill - a Transportation money bill.

Still languishing on the sidelines are appropriations bill for the Interior Department and related agencies and for energy and water programs.

Almost inevitably, Congress next week will have to pass a continuing

resolution to keep federal agencies and federal programs in money, at least temporarily.

In an opening salvo 41 House Republicans and 15 Senate Republicans introduced legislation September 19 that would freeze spending in fiscal year 2008 at fiscal 2007 levels (HR 3583, S 2070.) Such a freeze would prevent Democrats from increasing spending in fiscal 2008, as they have proposed. The freeze would only last until Congress completed individual spending bills.

There is of course another week to go before fiscal 2008 begins and appropriators are, as always, hopeful they can push the bills (1) through the Senate and then (2) through a House-Senate conference committee. "We remain hopeful we can take it to the floor," a Senate Appropriations Committee staff member said, while acknowledging Senate Majority Leader Harry Reid (D-Nev.) controls the floor and may have different priorities.

Domestic appropriations bills are caught between the desire of the new Democratic majority in Congress to reward its backers with significant programmatic spending increases and the Bush administration's desire to limit domestic spending.

The main hang-up is the Senate floor where the filibuster allows the Republican minority to prevent appropriations bills from being considered. The transportation bill (HR 3074) was an exception, in large part because it carried quasi-emergency money to replace the collapsed I-35 bridge in Minneapolis and to survey other bridges around the country.

The Senate approved HR 3074 September 12. The House approved its version July 24. Despite the concern about bridge repair money, the Bush administration promised a veto of both the House and Senate versions of HR 3074. The Office of Management and Budget said September 11 that the Senate bill "includes an irresponsible and excessive level of spending and includes other objectionable provisions."

The administration objects to the Interior and Energy and Water bills for the same reason. The House approved its version of an Interior spending bill (HR 2634) June 27 with \$2 billion more than President Bush recommended, \$27.6 billion compared to a request of \$25.6 billion. The Senate Appropriations Committee approved a counterpart to HR 2634 (S 1696) June 21 with \$1.5 billion more than the administration request.

Similarly, the House approved an energy and water bill (HR 2641) July 17 that would increase fiscal 2008 spending for the Corps of Engineers alone by \$713 million more than the administration requested, \$5.584 billion compared to an administration request of \$4.871 billion. The Senate Appropriations Committee approved its version of an Energy and Water bill June 28 that would increase Corps spending by \$577 million above the administration request.

Recent history suggests that the fiscal 2008 domestic bills will be late, very late. Of the past five Interior money bills, even when Republicans controlled both the White House and Congress, only one was completed on time. A fiscal year 2006 bill was signed on Aug. 22, 2005. Of the other four one was a month late, one was two months late, and two were more than four months late. Now the White House and Congress are controlled by different parties.

Heritage bills ready for floor action, barring 'holds'

The Senate Energy Committee September 18 cleared for Senate action legislation to establish a national heritage area (NHA) program, as well as a half-dozen individual NHA bills.

The committee action consisted of the filing of committee reports that sum up the need for legislation. However, securing Senate action on the bills is not guaranteed because individual senators have often placed 'holds' on all legislation coming from the committee for one reason or another.

A Senate Energy Committee staff member said the panel typically packages

lands bill but has been unable to do so this year because various senators have placed holds on committee bills. The motives for those holds vary, but often have little to do with park and rec policy and a lot to do with setting aside money to pay for new legislation, the staff member said.

If the legislative holds are dropped, the committee is ready to proceed to the Senate floor with a bill (S 278) that would establish national standards for NHAs and a NHA policy.

The Bush administration has long demanded that Congress establish national standards before approving individual NHAs. Thus, when the committee has held hearings on individual bills, Park Service witnesses have said the administration insists that Congress approve a national bill before moving individual bills.

That the Senate committee approved the national bill does not guarantee much. The committee has approved the bill, introduced by the late Sen. Craig Thomas (R-Wyo.), repeatedly in the past, only to have it expire in the House. In that time, the House and Senate have continued to process individual NHA bills, arguing that they have adopted informally the standards recommended by S 278.

Although NHAs are not units of the National Park System, they do come with a cost, usually capped at appropriations of \$1 million per year and \$10 million total over 10 years. For fiscal year 2008 the House has approved \$20 million in NHA grants in a fiscal year 2008 Interior appropriations bill (HR 2643.) The Senate Appropriations Committee has approved \$15 million. The Bush administration recommended an appropriation of \$10 million.

In addition to the report on the national NHA standards bill, the Senate committee completed reports on five bills that would designate individual national heritage areas (NHAs,) two bills that would authorize studies of NHAs and one bill that would increase a spending cap for nine existing NHAs.

The five individual bills would designate the Abraham Lincoln NHA in Illinois, S 955; Journey Through Hallowed Ground NHA in Mid-Atlantic States, S 289; Niagara Falls NHA in New York, S 800; Sangre de Cristo NHA in Colorado, S 443; and a South Park NHA in Colorado, S 444.

A House counterpart Journey Through Hallowed Ground bill (HR 519) generated significant Republican opposition when it was approved March 7 by the House Natural Resources Committee. The Republicans would have required notice to all private property owners within the highly-populated 175-mile area of Maryland, Pennsylvania, Virginia and West Virginia. The House committee eventually rejected the amendment.

The Senate committee also completed reports on NHA study bills for a Chattahoochee Trace National Heritage Corridor in Alabama and Georgia, S 637; and a Columbia-Pacific NHA in Washington and Oregon.

Finally, the Senate committee completed a report on a bill (S 817) from Sen. George Voinovich (R-Ohio) that would increase spending authority for nine existing NHAs from \$10 million to \$20 million. Rep. Ralph Regula (R-Ohio) and 17 cosponsors introduced a counterpart bill (HR 1483) in March. The Voinovich and Regula bills would apply to a National Coal Heritage Area in West Virginia, the Tennessee Civil War Heritage Area, the Augusta Canal NHA in Georgia, the Steel Industry American Heritage Area in Pennsylvania, the Essex NHA in Massachusetts, the South Carolina National Heritage Corridor, America's Agricultural Heritage Partnership in Iowa, the Ohio & Erie Canal National Heritage Corridor in Ohio, and the Hudson River Valley NHA in New York.

Notes

Congress may modify air tour law. The House Transportation Committee approved legislation (HR 2881) September 17 that would allow NPS and the Federal Aviation Administration (FAA) to approve overflights of parks even if parks have not completed air tour management plans. The bill, scheduled for House floor

action late this week, would allow NPS and FAA to write agreements with commercial air tour operators as an alternative to permits under plans. The bill would also allow parks and FAA to increase the number of operations under existing authority before plans are completed. NPS and FAA have been unable to complete any park overflight plans in the seven years since Congress ordered them to do so. Reasons vary from the September 11 attacks to lack of money to interagency disputes. The House committee added the new overflight provision to an overall FAA policy revision bill. The Senate Commerce Committee approved a counterpart bill (S 1300) with similar overflight language August 3. Congress wrote the National Parks Air Tour Management Act of 2000 (PL 106-181 April 5, 2000) to guide the FAA and NPS in coping with ever-larger numbers of air tours over the national parks, and in reaction to high-profile accidents. FAA says it has now received applications to fly over more than 100 national parks and six tribal lands from 91 different air tour operators.

WRDA still stalled in Senate. The Senate has been unable to give final approval to a Water Resources Development Act (WRDA) because Republican senators are objecting to the cost of the bill. However, the Senate reportedly may vote on the bill (HR 1495) next week. A House-Senate conference committee reached final agreement on the giant WRDA bill July 31 that would among other things authorize almost \$900 million of federal money for the first two major construction projects under a Comprehensive Everglades Restoration Project. The House August 1 approved the conference bill by a veto-proof margin of 381-to-40. The margin of approval is important because the Office of Management and Budget told both the House and Senate before HR 1495 went to conference the Bush administration opposed its \$15 billion price tag. So Congress may need to muster a veto-proof majority, which the House did. Other park and rec areas besides Everglades National Park would get help from the bill (HR 1495.) The measure would authorize a demonstration project to test the benefits of enhanced recreation facilities in Corps of Engineers lake projects in Oklahoma. And

the bill would make a \$25 million down payment on a massive project to convert the Los Angeles River from a cement ditch to enhanced parkland in Los Angeles. In addition the bill would authorize dozens, if not hundreds, of water projects around the country with recreation implications.

BLM Colorado tests new rec fees.

The Colorado State Office of BLM proposed September 11 new fees to cover the costs of processing applications for special recreation permits. BLM intends to begin implementing the new fees October 1. The \$100 application fee would be in addition to use fees that BLM already charges once permits are issued. If the proposal becomes a regulation and if it is successful, other BLM state offices will adopt it. "We're taking the lead and sticking our head out," said a Colorado BLM spokesman. Under the proposed schedule BLM would charge \$100 to cover its costs for processing new permit applications, \$100 for transfers of permits and \$50 for renewals of expiring permits. BLM already charges use fees of \$90 or three percent of gross revenue, whichever is more. The Colorado BLM manages more than 800 special rec permits for commercial purposes each year. The activities include hunting, fishing, float boating, hiking, biking, horse and jeep tours, hot air ballooning and paragliding.

Roosevelt Ranch dedicated.

The Departments of Agriculture and Interior participated in a September 15 ceremony celebrating the acquisition of the 5,200-acre Elkhorn Ranch in western North Dakota. It cost \$4.8 million. President Theodore Roosevelt operated a ranch there in the 1880s. More than 50 conservation groups helped out with the purchase. Led by the Boone and Crockett Club they have raised \$500,000 for restoring the prairie in the area. The ranch will be managed by the Forest Service as part of the Little Missouri National Grasslands. Valid existing uses will be honored, such as grazing and oil and gas drilling. The department said the Forest Service will attempt to convey a similar amount of land (about 5,000 acres) to the private sector in North Dakota. Deputy Secretary

of Interior Lynn Scarlett participated in the dedication ceremony.

Arizona Trail gets a hearing. The Senate Energy Committee held a hearing September 11 on legislation (S 1304) that would designate an 807-mile Arizona Scenic trail from the bottom of the state to the top. The hearing presumably opens the way for committee action on the bill. Arizona Sens. John McCain (R) and John Kyl (R) introduced the legislation. Rep. Gabrielle Giffords (D-Ariz.) has introduced a counterpart bill (HR 2297) in the House. Although no study has been performed on the trail, McCain says one is not needed. He said that 99 percent of the trail is on public land and only 60 miles have not been built and signed. And McCain said that completion of the last 60 miles does not involve private property. The trail would extend from the Coronado National Memorial on the Mexican border with Arizona to the Utah border near the Grand Canyon. At the hearing Dave Hicks, executive director of the Arizona Trail Association, said the panoramic trail deserves to be designated the ninth National Scenic Trail in the country.

NPS names Reidenbach in Northeast.

NPS Director Mary Bomar September 17 said Dennis R. Reidenbach, currently Independence National Historical Park Superintendent, has been selected as regional director of the Northeast Region of the National Park Service. Reidenbach became superintendent at Independence November 2005. Bomar was the last regional director for the northeast before becoming agency director in October 2006. The northeast region includes park units in 13 states that are host to 55 million visitors per year.

NPS names new cultural aide.

NPS announced September 18 the appointment of Dr. Daniel Odess, curator of Archaeology at the University of Alaska Museum, as assistant associate director for cultural resources. He will report to Janet Snyder Matthews, associate director for cultural resources. Odess has a long history of archaeological work and museum jobs.

Boxscore of Legislation

<u>LEGISLATION</u>	<u>STATUS</u>	<u>COMMENT</u>
Congressional budget 2008 S Con Res 21 (Conrad)	House and Senate gave final approval May 17.	Makes room for a \$2 billion hike in natural resources spending.
Appropriations 2008 (Interior) HR 2643 (Dicks) S 1696 (Feinstein)	House approved June 27. Senate committee approved June 21.	Both Houses would increase park and rec spending across-the-board. Veto is more than likely.
Appropriations 2008 (Energy & Water) HR 2641 (Visclosky)	House approved July 17. Senate committee approved June 28.	Would increase Corps and Reclamation spending more than OMB will accept.
Appropriations 2008 (Transportation) HR 3074 (Olver)	House approved July 25. Senate approved Sept. 12.	Would provide full funding for park and rec programs, as called for by SAFGTEA-LU.
NPS Centennial Challenge S 1253 (Bingaman) HR 2959 (Rod Bishop) HR 3994 (Rahall)	House and Senate hearings August 2.	S 1253 and HR 2959 would establish \$2 billion program to help the parks. Rahall would impose new DOI fees.
NPS tax assistance HR 1731 (Baird)	Baird introduced March 28.	Would authorize NPS improvement fund financed by income tax check-off.
FWS tax assistance HR 2735 (Young)	Young introduced June 14.	Would authorize FWS improvement fund financed by income tax check-off.
Heritage areas national S 278 (Thomas)	Senate committee approved July 25.	Thomas would establish national standards for new NHA designations.
Conservation tax credits S 469 (Baucus)	Baucus, Grassley introduced January 31.	Would make semi-permanent conservation tax credits Congress approved last year.
Wildlife conservation grants HR 3221 (Pelosi) HR 2338 (Dicks)	House approved August 4. Dicks introduced May 16.	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.	Would designate an American Discovery Trail and discovery trail system.
Trail acquisition authority S 169 (Allard) HR 1847 (M Udall)	Senate panel approved Sept.17. Udall introduced March 29.	Would authorize land acquisition authority for nine national trails.
Trail expansion authority S 580 (Hatch)	Hatch introduced Feb. 14.	Would authorize route variations for four national historic trails.
Arizona trail S 1304 McCain HR 2297 (Giffords)	Senate hearing Sept. 11. Giffords introduced May 14.	Would designate 807-mile trail from bottom to top of Arizona.
NLCS for Bureau of Land Management HR 2016 (Grijalva) S 1139 (Bingaman)	Senate committee approved May 23. House hearing May 24.	Would give Congressional blessing to national conservation system.
Rim of the Valley (SMMNRA) S 1053 (Feinstein) HR 1835 (Schiff)	Bills introduced March 28.	Would authorize a study of a major expansion of SMMNRA.