

Federal Parks & Recreation

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In this issue. . .

Fiscal '09 money may be delayed.

Senate appropriators suggest Congress defer bills until after elections. Houses prepare '09 budgets with domestic aid .. Page 1

Grand Canyon water flows debated.

DoI approves policy for one-time big flow, but park wants them often. Enviro lawsuit? Page 2

NPS Centennial Challenge boosted.

In House budget and by Senate committee. Authorizers still must find \$100M to offset .. Page 3

Pitches begin for '09 approps.

Senate Energy calls for more LWCF money. Interest groups ask for \$403M for fed, state LWCF .. Page 5

Rescission treats TE equally.

DoT and states follow Hill order, reduce proportionately Page 6

Visits finally grow in NPS.

Bomar attributes it to Challenge. Lots of competition Page 7

California sues FS on OHV roads.

State objects to plans that may open large tracts to OHVs .. Page 8

House panel approves NLCS bill.

But GOP says certification of system could harm users Page 9

Congress hones in on farm bill.

Close to deal on money, but delay in finishing is probable ... Page 10

Notes Page 12

Conference Calendar Page 14

Appropriations bills may have to wait; budgets are generous

Nothing is official yet, but Congress probably won't complete fiscal year 2009 appropriations bills until after the November 4 elections.

Key Senate appropriators said last week Congress should not bother to send money bills to President Bush because he will just veto them. And Congress will not be able to override any vetoes.

Said one lobbyist who works on park and recreation policies, "During an election year appropriators don't feel there is anything in it for them to go through the process, only to have the President veto bills,"

What appropriators may do instead is extend fiscal 2008 spending levels temporarily into fiscal 2009 through a continuing resolution and then revisit appropriations bills after the election. Or appropriators may wait until the beginning of calendar 2009 to complete their bills when a new Congress and a new President are in place.

That was reportedly the March 4 recommendation of powerful Senate appropriators Ted Stevens (R-Alaska) and Dianne Feinstein (D-Calif.) Stevens is a senior member and former chairman of the Senate Appropriations Committee and Feinstein chairs the subcommittee on Interior and related agencies appropriations.

In a separate development that will greatly influence spending limits in appropriations bills, the House and Senate at press time were nearing passage of fiscal 2009 budgets that would make room for more spending for Natural Resources (Function 300.)

The House was considering a huge \$6 billion increase in budget authority

for Function 300 in its budget (H Con Res 312), increasing it from \$32.6 billion in fiscal 2008 to \$38.7 billion in fiscal 2009. The Senate was considering an even larger \$7 billion increase in its budget (S Con Res 70), jumping from \$32.6 billion in fiscal 2008 to \$39.7 billion in fiscal 2009.

While they were at it, the House and Senate budgets called for increased spending for several outdoor-related programs, without actually setting aside money for those programs. Appropriators and authorizing committees would still have to act before additional money could be spent. Still, a positive mention in the budget provides an important endorsement for the programs.

The House was on course to approve H Con Res 312 March 13 and the Senate to approve S Con Res 70 March 14. Here is some of what the budgets, which the House and Senate would have to reconcile after passage, would do:

NPS CENTENNIAL: The House recommended that Congress enact a multi-year Centennial Challenge program, but it would require authorizing committees to come up with new revenues to pay for it. The House Natural Resources Committee is attempting to write a \$2 billion challenge bill (HR 3084) but is having difficulty finding needed revenues to offset the costs. (*See related article page 3.*)

LAND MANAGEMENT AGENCY CUTS: The Senate called on appropriators to reject Bush administration recommendations for substantial spending cuts for federal land management agencies, particularly the Forest Service. As *FPR* has often reported, the administration has proposed huge decreases in recreation and trails programs, ostensibly to offset increased fire suppression costs. But the Senate Budget Committee said, "The Mark also responds to concerns that increasing fire suppression costs are having a negative impact on funding levels for other discretionary programs at agencies such as the Forest Service."

TRANSPORTATION: The Senate authorized \$10.5 billion more than the Bush

administration recommended for transportation programs. An extra \$7 billion would be allocated to regular surface transportation programs and an additional \$3.5 billion would be used in this fiscal year (2008) for economic stimulus projects that are ready to go. The House would allow full funding for highway programs in fiscal 2009 as envisioned by SAFETEA-LU. That's according to House Transportation Committee Chairman James Oberstar (D-Minn.)

FIRE SUPPRESSION SET-ASIDE: The Senate authorized appropriators to spend an extra \$500 million in fiscal 2009 above the anticipated appropriation for emergency purposes. The House budget didn't mention extra fire money.

DoI adopts Grand Canyon river flow policy; NPS objects

In a much-publicized event the Interior Department for more than two days last week released a torrent of water from Glen Canyon Dam down the Arizona River.

The release is supposed to help restore flora and fauna in Grand Canyon National Park and to replenish beaches in the park that serve as campsites. The Colorado River flows 277 miles through Grand Canyon.

However, Grand Canyon officials say the one-time release is not good enough - the department should authorize similar massive flows every year. Under a Bureau of Reclamation five-year plan the March 5-7 release is the last big one for five years.

"Analysis of the draft Environmental Assessment and proposed action (including strict limitations on future flows, a short-duration steady flow regime in the latter part of the monsoonal period, and other key factors) indicates these measures would likely result in impairment of the resources of Grand Canyon National Park," said Grand Canyon Superintendent Steve Martin in February 19 comments to the Bureau of Reclamation.

"The EA as written appears to be

in conflict with NPS 2006 Management Policies, may not be consistent with CEQ guidelines and is significantly in conflict with our understanding of the science and inconsistent with the intent of the Grand Canyon Protection Act and the 1996 ROD," he said.

The Bureau of Reclamation said it released last week 41,500 cubic feet of water per second (cfs) for 60 hours from a power plant and bypass tubes at Glen Canyon Dam. The bureau said that releases from the dam generally range between 8,000 and 20,000 cfs.

The bureau said the increase to 41,500 cfs will change river conditions downstream of the dam as well as enhance beaches used as campsites.

"The water released during the test will not change the amount of water to be released over the course of the 2008 water year, . . ." said Larry Walkoviak, regional director of the bureau's Upper Colorado Region. "Monthly releases later in the year will be adjusted downward to account for the water released during the experiment."

Like NPS the National Parks Conservation Association (NPCA) fears that without additional high flows, natural and cultural resources in the park will be impaired. Said NPCA Southwest Regional Director David Nimkin, "It's a shame that the Department of Interior is locking in a scientifically inaccurate, misguided five-year plan for the Glen Canyon Dam so that future Administrations cannot balance the interests of energy demands and the protection of our precious national parks."

Nimkin said NPCA is evaluating its options. "We are looking at potential litigation, but we haven't made any decisions yet," he said. "We're also looking at a political strategy." In either litigation or legislation conservationists would demand regular, high flows each year, he said.

Interior Department officials say they will closely monitor the results of the high flow and are not precluded from adding such flows in the future. The

Bureau of Reclamation, the Fish and Wildlife Service and NPS are working cooperatively on the monitoring, along with the Arizona Game and Fish Department, Northern Arizona University and other organizations.

Of particular concern to NPS and conservationists is the native fish called the humpback chub. It is an endangered species and is one of four remaining native fish in the Grand Canyon.

The Interior Department described its Glen Canyon release policy this way: "Data will be collected to determine the amount of sediment available in the system and its availability for restoring sandbars and camping beaches. Researchers will also collect data on the changes in sandbars before, during, and after the high flow. This data will be used to improve the predictive capabilities of the existing sediment model and determine the optimal peak flows of future high-flow experiments."

Centennial Challenge boosted on both sides of the Hill

Both a Senate committee and the full House are praising legislation to provide \$2 billion for a Park Service Centennial Challenge program. But legislators have yet to come up with a bipartisan plan to pay for it.

The House was considering at press time a budget that would open the way for Centennial Challenge legislation in the fiscal year 2009 Congressional budget (H Con Res 312.) The resolution calls for "the establishment of the National Parks Centennial Fund."

However, H Con Res 312 would still require that when the authorizing committee writes legislation (HR 3094) to formally establish the Challenge fund, it must identify financial offsets so as to "not increase the deficit" over a period of 10 years. (The Senate was considering a counterpart budget (S Con Res 70) at press time that does not mention the Centennial Challenge.)

Despite the praise, the authoriz-

ing committee that is trying to write a bill - the House Natural Resources Committee - is right where it has been since it held a hearing on HR 3094 on Aug. 2, 2008: It is searching for offsets to pay the \$100 million per year federal contribution to the fund.

A committee spokeswoman said this week that nothing has changed since *FPR* reported in the last issue that the committee is still looking for offsets.

On the other side of the Hill the Senate Energy Committee mentions the Centennial Challenge first in its list of priorities for this year. In a report submitted to the Senate Budget Committee on the fiscal 2009 Congressional budget the committee said, "The Committee expects to consider legislation during the second session of the 110th Congress to authorize the National Parks Centennial Challenge, . . ." The committee then lists four other priorities.

Senate Energy Committee Chairman Jeff Bingaman (D-N.M.) has introduced one Centennial Challenge bill (S 1253) on behalf of the Bush administration. But that bill doesn't identify offsets. It simply directs Congress to appropriate \$100 million per year, presumably from energy development projects that Congressional Democrats oppose.

Four senators are preparing to introduce new Centennial Challenge legislation that would approximate HR 3094 that is pending in the House committee. Once again, the senators have reportedly agreed on all details of a bill except for the offsets.

Sen. Ken. Salazar (D-Colo.) is expected to be the lead sponsor. Senate Finance Committee Chairman Max Baucus (D-Mont.), Sen. Susan Collins (R-Me.) and Sen. Lamar Alexander (R-Tenn.) are projected cosponsors.

The Interior Department, House Natural Resources Committee Democrats and House Natural Resources Committee Republicans have identified a half-dozen potential sources of revenues to pay the \$100 million per year Centennial Chal-

lenge tab. But those members have not been able to agree on which sources to use. House committee chairman Nick Joe Rahall (D-W.Va.) has taken the lead in attempting to put the recommendations together.

"Everything the administration or the Democrats have proposed, committee Republicans have opposed," said Tom Hill, legislative representative for the National Parks Conservation Association. "Rahall won't mark up unless by unanimous consent." Hill anticipates the committee will attempt to come up with a menu of sources.

Possible offsets include \$50 million per year for canceling an ultra deepwater oil and gas research program, a special postal stamp that would cost more than a conventional stamp, assessment of a special fee to pay for inspection of offshore oil and gas drilling facilities, reduction in the state share of oil and gas royalties, and the assessment of a significant fee for the processing of oil and gas permits to drill.

House Natural Resources Committee Republicans, led by Rep. Don Young (R-Alaska), would prefer to use royalties from the authorization of oil and gas development in new areas, such as the coastal plain of the Arctic National Wildlife Refuge. But the last is a nonstarter in the Senate.

Finally, to jumpstart the Centennial Challenge program Congress did include \$25 million in a fiscal 2008 Interior appropriations bill (PL 110-161 of Dec. 26, 2007) to be matched by private contributions of \$25 million.

The Park Service identification of the initial projects is reportedly imminent. Said one lobbyist, "I think they are waiting until after the appropriations hearings so they won't have to answer questions about 'How come there aren't any projects in my district?' from appropriators."

The House subcommittee on Interior appropriations concluded hearings on NPS appropriations March 6.

Pitches begin for FY 2009 money for conservation

The Senate Energy Committee as a body is reiterating its chairman's recommendation that Congress provide more money for the Land and Water Conservation Fund (LWCF) in fiscal year 2009 than the Bush administration requested.

In annual recommendations to the Senate Budget Committee, the energy panel said, "(M)any of us oppose the Administration's proposed cut in the (LWCF) spending."

The committee went on to repeat almost verbatim chairman Jeff Bingaman's (D-N.M.) complaint to Secretary of Interior Dirk Kempthorne during a February 13 hearing on the Interior Department's budget.

Said the committee in its recommendations to the budgeteers, "Last year, the Administration requested only \$59 million for the federal side of the program, the smallest amount in the program's forty-two year history. This year, the Administration requests even less - only \$51 million - for the federal program, and nothing for the state program."

Although both ranking energy committee Republican Pete Domenici (N.M.) and Bingaman jointly submitted the budget recommendations, the submission repeatedly said that "most of our members", but not all, support specific administration recommendations. That leaves western Republicans who are critical of LWCF free to oppose spending for land acquisition, as is their bent.

Meanwhile, the Senate was considering a fiscal 2009 Congressional budget (S Con Res 70) with no mention of LWCF. While the committee budget recommends a significant 18 percent spending increase for natural resources in fiscal 2009, it does not single out LWCF for special treatment, such as a guaranteed set-aside.

The Senate Energy Committee and the Senate Budget Committee will have

little say in the preparation by Congress of a fiscal 2009 appropriations bill. That task will fall to House and Senate appropriators and they as always are between a rock and a hard place.

While the energy and budget committees are calling for increased spending, the Bush administration will almost certainly veto any domestic money bill with increased spending. Thus, the whole thing may be deferred until the new Congress and the new President take office in January.

For their part conservation groups that support LWCF are putting together recommendations for the fiscal 2009 Interior spending bill, and their allies in Congress are putting together Dear Colleague letters. Those letters are expected to request more than \$100 million for the state side of LWCF.

"We're going after the Land and Water Fund in a big way this year," said Rich Dolesh, public policy director for the National Recreation and Park Association (NRPA.) "We have to save that program."

To that end a House Dear Colleague letter was expected to begin circulating today (March 14) that would ask for \$100 million plus for the program. The signatories are expected to include Reps. Rush Holt (D-N.J.), Peter King (R-N.Y.) and James McGovern (D-Mass.) A counter-part Senate letter was expected from Sens. Susan Collins (R-Me.) and Ken Salazar (D-Colo.)

NRPA will submit its own appropriations recommendations for fiscal 2009, said Dolesh, including \$125 million for the state side of LWCF (the administration requested no money), \$30 million for the Urban Parks and Recreation Recovery program (the administration requested no money) and \$12 million for the Park Service's Rivers Trails and Conservation Assistance program (the administration requested \$8.3 million.)

Separately, an alliance of conservation groups recommended to House appropriators March 13 that the state side of LWCF receive \$125 million, the fed-

eral side \$278 million, and Forest Legacy \$125 million. The coalition includes The Wilderness Society, the Trust for Public Lands, the Nature Conservancy, the Defenders of Wildlife and the National Parks Conservation Association, among other groups.

Mary Beth Oakes, who handles appropriations issues for The Wilderness Society, said Congressional allies will circulate Dear Colleague letters soon. "They are in the works," she said.

Supporters of matching grant programs such as LWCF, UPAR, state wildlife grants (administered by the Fish and Wildlife Service) and Forest Legacy (administered by the Forest Service) are well aware that the Bush administration and Congress are most sympathetic to an NPS Centennial Initiative.

And they are aware that the administration has requested huge spending increases for NPS to pay for the initiative and that Congress will almost certainly pay up. Finally, they are aware that the money awarded to the Centennial Initiative may well come out of their pockets.

"We recognize in general the urgent need for money for Park Service maintenance and the Centennial Initiative," said Dolesh. "We are not asking for money at the Park Service's expense for state and local projects. We think Congress should do both. It's not an either/or matter."

Although the administration requested no money for state LWCF grants, it did insert a request for \$1.4 million in fiscal 2009 for administration of the state LWCF grant program in a Recreation and Preservation line item, thus keeping it alive.

In addition a new program to refer some Outer Continental Shelf oil and gas leasing revenues to state LWCF grants will begin in fiscal 2009. The program will provide an estimated \$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.

The administration has also been tough on the federal side of LWCF at Interior. For fiscal 2009: 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; and the Bureau of Land Management would receive \$4.5 million, compared to a fiscal 2008 appropriation of \$8.9 million.

TE, rec trails given equal treatment in new rescission

In approving the latest round of rescissions - \$3.15 billion - from a fiscal year 2008 appropriations bill the Department of Transportation (DoT) last week treated outdoor programs the same as all other programs.

On orders from Congress it removed 11.5 percent from all unobligated allocations from the multi-year 2005 Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU.)

That contrasts with other recent rescissions when DoT allowed the states to rescind proportionately more money from outdoor programs such as transportation enhancements (TEs) than from highway construction.

The Rails-to-Trails Conservancy said the Congressional edict may have saved transportation enhancements hundreds of millions of dollars. In a bulletin to its members March 9 the conservancy said, "Had states been able to cut TE in this rescission order at a rate similar to those in recent years, TE could have lost two to three times as much in funding."

The conservancy added, "Given the provision that cuts must be fair and balanced across programs, TE should now lose less than \$100 million - saving \$100 (million) to \$200 million nation-

ally to spend on rail-trails, bicycling and other valuable projects."

DoT applied the rescissions proportionately among programs in response to direction from Congress in the Energy Independence and Security Act of 2007 (PL 110-140 of Dec. 19, 2007.)

Said DoT in announcing the fiscal 2008 rescissions March 7, "This means that all Federal-aid highway program apportioned program funds will have rescissions, averaging about 11.5% nationwide, including the Recreational Trails Program and the Transportation Enhancement Activities."

The Department of Transportation said the TE program was due \$818 million in fiscal 2008 from SAFETEA-LU. The rescission thus reduces the allocation by \$94 million. Before the rescission was applied the recreational trails program was slotted to receive \$79 million. The rescission reduces its allocation by \$9 million.

Meanwhile the Senate was considering a fiscal 2009 Congressional budget (S Con Res 70) at press time that would authorize \$10.5 billion more than the Bush administration recommended for transportation programs. An extra \$7 billion would be allocated to regular surface transportation programs and an additional \$3.5 billion would be used in this fiscal year (2008) for economic stimulus projects that are ready to go.

The House was considering a counterpart budget resolution (H Con Res 312) at press time that would authorize full funding to highway programs in fiscal 2009 as envisioned by SAFETEA-LU. That's according to House Transportation Committee Chairman James Oberstar (D-Minn.)

Congress ordered three different sets of rescissions of SAFETEA-LU money in fiscal 2006, two in fiscal 2007 and one so far for fiscal 2008. In just one rescission in fiscal 2006, states returned \$601,763,022 from TE out of a total rescission of \$3.845 billion.

That huge cut energized trails

advocates and other supporters of programs funded by TE. In cooperation with their main champion, Oberstar, they persuaded Congress to order TEs and recreational trails be treated equally.

Visits up finally in national parks; Centennial reason?

The Park Service is optimistic that an up-tick in visits to parks in 2007 will end a decline that had stretched over much of the last decade.

The system hosted almost 3 million more visitors in 2007 than in 2006, increasing from 272,623,980 to 275,581,547 nationwide.

NPS Director Mary Bomar attributed the increase to interest generated by the Bush administration's Centennial Initiative that is designed to upgrade the parks for the system's 100th birthday in 2016.

"We started hearing from park lovers immediately after the announcement of the National Parks Centennial Initiative," Bomar said, "And people said unequivocally that they love their parks."

NPS was particularly pleased that the increase came in the face of increased gas prices and increased competition from other recreation pastimes.

The recreation industry and gateway communities have worried that visitation waned from 287,130,879 in 1999 to 272,623,980 in 2006, with a modest increase in 2004 due to the opening of the World War II Memorial in Washington, D.C.

NPS and the recreation industry have cited a number of reasons for the decline in visitation to the national parks, beginning with competition from commercial tourist facilities, such as the Disney properties. Other cited reasons are an increase in minority groups in the population that don't visit parks as often as whites traditionally have and a Park Service policy that favors protection of parks over recreational uses.

But the Centennial Initiative promises help, according to the Interior Department. An outline of the Initiative released last May by Secretary of Interior Dirk Kempthorne includes this goal: "Increase visitation by 25 percent at lesser-known parks through a national tourism effort aimed at helping people to discover the breadth of parks and experiences."

In 2007 the Blue Ridge Parkway received the most visits of any system unit, 17,352,286, followed by the Golden Gate National Recreation Area, 14,397,313. Of national parks Great Smoky was the most visited with 9,372,253 customers. Here are the 10 most visited units:

1. Blue Ridge Parkway, 17,352,286
2. Golden Gate National Recreation Area, 14,397,313
3. Great Smoky Mountains National Park, 9,372,253
4. Gateway National Recreation Area, 813,204
5. Lake Mead National Recreation Area, 7,622,139
6. George Washington Memorial Parkway, 6,837,139
7. Natchez Trace Parkway, 5,777,666
8. Delaware Water Gap National Recreation Area, 4,836,229
9. Grand Canyon National Park, 4,413,668
10. Cape Cod National Seashore, 4,351,609

Park Service visitation statistics are available at: <http://www.nature.nps.gov/stats>.

California sues to keep FS roadless areas roadless

The State of California filed a lawsuit last month against four national forest plans that some day could allow off-highway vehicle (OHV) use in portions of 500,000 acres of roadless areas.

The state would prefer the Forest Service declare a moratorium on access to all roadless areas in California.

The suit says that in the plans

the Forest Service "did not adequately analyze the environmental impacts caused by making more areas and trails available for off-highway vehicles, and failed to justify its rationale for choosing so little forest land for wilderness protection."

The lawsuit caught the attention of OHV users, as represented by the BlueRibbon Coalition. They contend that the state and Gov. Arnold Schwarzenegger (R-Calif.) himself have pledged to support historic mechanized access to roadless areas.

"Recreationists intend to make sure they hold to this position," said Paul Turcke, chief counsel for the BlueRibbon Coalition Legal Defense Team. "The access community will not support an effort by the State of California to play politics on the Roadless issue."

California Attorney General Jerry Brown (D), the former governor, filed the lawsuit on behalf of California Secretary for Resources Mike Chrisman. Schwarzenegger endorsed the lawsuit. The governor said, "Despite repeated attempts to ensure that the United States Forest Service honor its written assurance that California's roadless areas would be protected they have failed to do so."

But Turcke said the plans don't in and of themselves authorize any action that could damage roadless areas. "From my perspective the fact that a land use plan does not close the areas doesn't actually mean off-road vehicles will run amuck or tallow factories will be constructed," he said. "A number of steps need to take place first" before such uses are allowed, Turcke said. Those steps include environmental reviews of specific projects.

On July 12, 2006, Schwarzenegger petitioned the Forest Service to protect the 4.4 million acres of roadless areas in California national forests from road construction and timber sales. The petition would have the Forest Service apply to forests in California a 2001 Clinton administration rule that bars almost all road construction and timber

harvesting on 58.5 million acres of national forest.

Subsequently, the Forest Service in 2006 completed new land management plans for the Angeles, Cleveland, Los Padres and San Bernardino National Forests that provide recreation opportunities for large populations in the southern half of the state. Those forests extend over 3.5 million acres and include 500,000 acres of roadless areas.

In the plans the Forest Service established land use zones that California says would allow road construction, contrary to the state's petition for protection of the land.

Says the lawsuit, "This disregard of state policy was a particularly egregious violation of the NFMA (National Forest Management Act of 1976) and its regulations, as the Resources Agency had repeatedly insisted that the Forest Service address this specific issue during the forest planning process and the Forest Service had provided written assurances that it would abide by those policies on a statewide basis."

California also argued that the plans violate the National Environmental Policy Act because supporting EISs did not analyze specific impacts of designating land use zones.

When the state appealed the four new plans, the Forest Service headquarters rejected the appeals in four separate decisions, all handed down on July 24, 2007. Headquarters said in effect any impacts would be analyzed if and when site-specific projects were proposed.

Said headquarters in a decision affecting the Cleveland National Forests, "In summary, the Cleveland NF Revised LMP establishes a framework for decision-making and uses programmatic direction as a gateway for compliance with environmental laws at the project level."

Technically, a May 13, 2005, Bush administration roadless area rule that established the state petition process

is null and void because a federal court issued an injunction against it on Sept. 19, 2006. That injunction restored the 2001 Clinton administration rule. However, the administration is working around the court's ruling by processing state petitions under the Administrative Procedures Act.

Separately, human-powered recreation groups operating as the Outdoor Alliance, have begun a new campaign to protect roadless areas in national forests in Idaho and Colorado. The groups fear that the Forest Service will allow increased road building and other activities in that portion of the states' forests that lie between wilderness mountains and heavily roaded lowlands.

The groups include the Access Fund, American Canoe Association, American Hiking Society, American Whitewater, International Mountain Bicycling Association and Winter Wildlands Alliance.

On the table are petitions from the governors of Idaho and Colorado that would reverse in part the Clinton administration ban against most road construction.

The California lawsuit is available at: <http://www.ag.ca.gov/newsalerts/release.php?id=1528>. Click on "Lawsuit" at the bottom of the release.

House committee approves bill endorsing BLM's NLCS system

Despite vociferous objections from Republican members, the House Natural Resources Committee Republicans March 12 approved by 24-to-13 vote a bill (HR 2016) to certify the National Landscape Conservation System (NLCS.) The Bureau of Land Management (BLM) administers the 26 million-acre system.

The Republicans, led by Rep. Rob Bishop (R-Utah), repeated their objections that HR 2016 goes far beyond a simple confirmation of the NLCS system that was created by administrative fiat. They say the bill could lead to restrictions on the 26 million NLCS acres akin to restriction on national parks.

"I fear that while the intentions of many may be pure this legislation would create a new bureaucracy that further imperils the West and multiple use lands almost to the scale of the NPS-style limitation," said Bishop at the mark-up. Bishop objected vociferously to language in the bill that advocates protection of the values of NLCS-system units. "Why is the twice-used word 'value' undefined by this legislation, leaving key terms to be defined the courts and unelected bureaucrats?" he asked.

But the chief sponsor of the House bill, Rep. Raúl Grijalva (D-N.M.), said the bill does not threaten BLM lands with NPS limitations. "The NLCS was created to assure that these precious public lands remain in the BLM system allowing the agency to manage them and to fully realize the conservation aspect of its multiple-use mandate," he said. "Those who claim that NLCS is an attempt to turn BLM lands into national parks have it exactly backward."

Both recreation and private property rights advocates have taken up the cudgel against what sponsors say is innocuous legislation designed simply to give Congressional acknowledgement to the system.

Said Larry Smith, executive director of Americans for Responsible Recreational Access, "We are concerned that this legislation will lead to BLM land managers moving away from multiple use and towards management goals that will limit access." His organization urged legislators to oppose the bill.

The private property rights advocates the American Lands Rights Association warned its members in a March 6 bulletin, "Making the NLCS permanent threatens recreation, access, grazing, mining, oil and gas and many other uses. Gradually these areas will be turned into parks with traditional uses strangled and roads cut off. Private property owners and inholders in the areas can say so long to their property rights. You will see new areas nominated for NLCS status gradually eroding BLM multiple-use."

The Senate Energy Committee approved its version of a bill (S 1139) May 23 unanimously, and without controversy. However, like all committee legislation S 1139 has been blocked from the Senate floor by a "hold" placed by one or more senators.

That could change because Senate Majority Leader Harry Reid (D-Nev.) has reportedly reached an agreement with Sen. Tom Coburn (R-Okla.) that would release backed up committee legislation. The agreement would allow Coburn to offer five amendments when a package of 60 committee bills reached the floor.

However, the committee has not yet included S 1139 in the package. And the American Land Rights Association last year vigorously protested the inclusion of S 1139 in any package.

BLM officials and BLM supporters tell us off the record that a major motivation for the NLCS legislation is to ward off any attempt by NPS supporters to add prize BLM sites to the National Parks System. Congressional designation of an NLCS system in BLM would reduce such a possibility, the theory goes.

In June 2000 the Interior Department under then Secretary of Interior Bruce Babbitt established the 26 million-acre NLCS in BLM to protect special areas. The NLCS consists of major conservation areas in 12 western states, including 15 national monuments, 13 national conservation areas, a Steens Mountain management area in Oregon, a Headwaters Forest Reserve in northern California, 36 wild and scenic rivers, 148 wilderness areas, 4,264 miles of national trails, and more than 600 wilderness study areas.

Congress hones in on farm bill spending; more delay

Congressional leaders said last week they have reached agreement among themselves and with the Bush administration on new spending in a multi-year farm bill (HR 2419.)

Still, the House and Senate were

almost certain to fail to complete a bill before they go on a two-week vacation today (March 14.)

House and Senate Agriculture Committee leaders agreed to about \$10 billion in new funding. Said Senate Agriculture Committee Chairman Tom Harkins (D-Iowa) at a March 7 press briefing, "Support is coalescing around a figure of \$10 billion in new funding above baseline. This is the figure the Senate Finance and House Ways and Means Committees are trying to secure. Even the administration has indicated it can go as high as \$10 billion in new funding."

The two committees and the Bush administration have taken turns issuing apocalyptic statements about the implications of a failure to develop a bill. The old farm bill technically expired on Oct. 1, 2007, but the House and Senate March 12 approved legislation (S 2745) that would extend a 2002 farm bill through April 18. Congress is scheduled to take a two-week vacation, beginning today (March 14.)

Meanwhile, the Bush administration put out a scary analysis of what would happen if a new law were not extended by today. Of conservation programs the administration said, "New enrollments in most conservation programs would cease as of March 16, 2008," said a Department of Agriculture (USDA) analysis.

But all would not be lost, said USDA, "Producers currently enrolled in both the Conservation Reserve Program (CRP) and the Wetlands Reserve Program (WRP) would continue to receive technical assistance and program payments. Enrollment and payments for the Environmental Quality Incentives Program (EQIP) and the Conservation Security Program (CSP) would continue."

The spending breakthrough, if it turns out to be a breakthrough, began last month when House Agriculture Committee Chairman Collin Peterson (D-Minn.) and ranking Republican Bob Goodlatte (Va.) made an opening compromise offer to Harkins and ranking Senate Agriculture Committee Republican Saxby Chambliss (Ga.)

The House leaders proposed to split the difference between the amount of new money the House originally approved, \$12 billion, and the amount of money in the last farm bill that sets the base. So they recommended \$6 billion in new money. The idea is to reach agreement with the Bush administration.

Harkins said March 6 the two committees and the administration were zeroing in on \$10 billion instead of \$6 billion. "I believe our prospects are getting better for completing a new farm bill," he said. "With regard to funding not all the rough edges are nailed down but I believe a new deal is within our reach."

Conservationists are apprehensive about either the Harkins \$10 billion hike or the Peterson-Goodlatte \$6 billion hike because both would reduce spending across-the-board. "We're hoping they approve as close to the Senate figure as possible," said Neil Shader, a communications specialist for Ducks Unlimited. "That's up in the air, but conservation is such a small corner of the bill we would be hurt disproportionately in an across-the-board reduction."

Major substantive concerns for Ducks Unlimited are caps on acreage that farmers are paid to set aside for conservation, such as a Grasslands Reserves Program, a Wetlands Reserve Program and a Conservation Reserve Program. Those programs have either reached acreage caps or are approaching the caps. Without a farm bill and infusions of new money little additional acreage could be set aside.

The Peterson-Goodlatte proposal would allow for increases in the Conservation Reserve Program beginning Oct. 1, 2009, and would add 200,000 acres per year to the Wetlands Reserve Program.

To form its version of HR 2419 the Senate combined the recommendations of two committees - Agriculture and Finance. The agriculture committee provided the details of programs and the finance committee provided money to pay for them.

Past iterations of farm bills have

removed millions of acres of open land from farming and devoted them to conservation purposes, preserving wildlife habitat across the country.

The version of HR 2419 approved by the Senate includes basic conservation programs such as a conservation reserve program, a wildlife habitat improvement program, a wetlands reserve program, a grasslands reserve program, and an environmental quality incentives program. It also includes a new program to encourage private landowners to open their property to hunters and fishermen.

The House approved its version of HR 2419 July 27. It also included most of the conservation programs advocated by hunters and fishermen, including the private landowner program.

The Peterson-Goodlatte framework does not mention the program, but that is a detail that still would have to be worked out in conference.

Notes

NPS promises to get police help.

NPS Director Mary Bomar told Congress last week that she will address charges by the Interior Department Inspector General (IG) that the U.S. Park Police force is not up to snuff. The IG said in a report in January that the U.S. Park Police (USPP) 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. Last month the environmental group Public Employees for Environmental Responsibility (PEER) reported that the park police force was severely undermanned, down 63 officers from its allotted level of 639. As of January the force had 576 officers. Bomar told the House subcommittee on Interior appropriations she and the department will get on top of the situation. Of the IG charges, she told the subcommittee, "The Department and the National Park Service worked closely to review all the findings and recommendations of the OIG's report and developed an action plan. We will work to finalize and implement the action plan required to respond to the

assessment's recommendations and will take the steps necessary to achieve management excellence within the Park Police." Of PEER's charges that the force is undermanned she said, "(An) internal review also provided a robust staffing plan for the U.S. Park Police, with a goal of maintaining a force of 639 sworn officers. Our 2009 budget request includes a programmatic increase of \$4.8 million for the USPP that puts us on track to achieve this goal. Together with a fixed cost increase of \$1.9 million, this amount will allow the USPP to grow to 630 officers by the end of 2009 and reach the level of 639 sworn officers by 2010, assuming full enactment of the President's budget request."

DoI promises new NPS gun regs.

The Interior Department will propose new regulations by April 30 on regulating firearms in units of the national parks. Secretary of Interior Dirk Kempthorne ordered the new regulations after 50 senators and a majority of House members demanded that citizens be allowed to carry guns in national parks. Current NPS regs forbid them. Even though the department intends to propose new regs, there is no guarantee that the Bush administration will complete a rule before it leaves office. Rep. Don Young (R-Alaska), ranking Republican on the House Natural Resources Committee, fears NPS employees will block any new regs. "I have no doubt that many of these bureaucrats will make every effort to delay, or outright sabotage, these reform measures," he said. So Young called on Congress to act. But that probably won't happen in an appropriations bill because Sen. Dianne Feinstein (D-Calif.), chairman of the Senate subcommittee on Interior, is dead set against the idea. "I was appalled to learn that the Interior Department may relax a Reagan-era ban on carrying loaded firearms in national parks that has been in place for 25 years," Feinstein said. "Changing these regulations would invite poaching, be very difficult to understand and enforce, and put the public at serious risk."

Get Outdoors Day set. Federal agencies, state agencies, conservation groups and the recreation industry are

teaming up to sponsor a "National Get Outdoors Day" June 14 to persuade American to, well, get outdoors. The sponsors intend to host successive Get Outdoors Days each June. The parties met February 28 to organize the event. The lead sponsors include the Forest Service, the American Recreation Coalition and the National Wildlife Federation. They said February 28, "National Get Outdoors Day is an outgrowth of the Get Outdoors USA! campaign, which encourages Americans, especially our youth, to seek out healthy, active outdoor lives and embrace our parks, forests, refuges and other public lands and waters." Contact: *Caroline Mica*, *cmica@funoutdoors.com*, 202-682-9530, or go to *www.getoutdoorsusa.org*.

FS defers environmental reorg.

The Forest Service said last month it will NOT implement a plan to consolidate environmental review functions in six centers around the country. Service Chief Abigail R. Kimbell made it official February 20 in a memo to the field. "After careful consideration, however, we will not pursue these options at this time," Kimbell said. (In saying options, plural, she was also referring to outsourcing reviews, which Congress has barred for fiscal 2008.) Under an original Forest Service reorganization proposal collection of environmental data would have remained on the ground, while analyses of the data would have been bumped up to regional centers. According to the environmental group Public Employees for Environmental Responsibility the consolidation would have eliminated thousands of jobs and saved \$250 million. The proposal is not dead yet. Said Kimbell, "At a later time, we will revisit recommendations from the NEPA Feasibility Study."

House leaders seek fire money.

Three key House Democrats teamed up March 6 to introduce legislation (HR 5541) that would establish a fund to pay costs of fighting catastrophic fires. Regular appropriations would continue to pay for suppression of routine fires. The new fund would be based on the cost to fight catastrophic fires over the previous five years. In recent years the Bush administration has repeatedly

attempted to decrease spending for the Forest Service to offset increased fire fighting costs. Said bill sponsor and House Natural Resources Committee Chairman Nick Joe Rahall (D-W.Va.), "Increasingly, tragic fire seasons across the country have threatened lives and taken a toll on our treasured public lands. As a result, the dramatic rise in federal costs to fight these fires has eroded critical funding for non-fire programs and severely altered the core mission of our Federal land management agencies." The other sponsors are Reps. Raúl Grijalva, chairman of the subcommittee on National Parks, Forests and Public Lands, and Norman Dicks (D-Wash.), chairman of the House Interior Appropriations subcommittee.

Corps strategy clarification. In the last issue of *FPR* we said that Corps officials would report to the head of the Corps, Lieutenant General Robert Van Antwerp, on implementation of a new recreation strategy by May 1. The Corps informs us the implementation recommendations will be provided by interest groups and not Corps officials. In the article we described how a Corps recreation strategy was developed by a broad coalition of interest groups ranging from the recreation industry to state park directors to the National Recreation and Park Association. The strategy recommends, among other things, a public relations campaign, stronger partnerships and more fee money for the Corps.

More SNPLMA money allocated. Secretary of Interior Dirk Kempthorne approved the eighth round of allocations last month from the \$3 billion generated by the Southern Nevada Public Land Management Act (SNPLMA) of 1998. Seventy-nine projects will receive a total of \$79 million. Among them are 14 hazardous fuels reduction projects (\$14.6 million) and a new reception center for the Red Rock Canyon National Conservation Area (\$23 million.) The Bureau of Land Management (BLM) oversees the 195,819-acre conservation area. SNPLMA authorizes the sale of excess public lands managed by BLM around Las Vegas. The sales have helped power the city's growth over the last decade. Eighty-five percent of the money is allocated

to the federal government for conservation projects and 15 percent goes to state and local governments. The Red Rock Canyon is located 17 miles west of the Las Vegas Strip and hosts more than 1 million visitors each year. The canyon includes a 13-mile scenic drive, more than 30 miles of hiking trails, picnic areas, and a visitor center with exhibit rooms and a bookstore.

DoE reaffirms ROW routes. The Department of Energy (DoE) reaffirmed its selection of two electricity transmission corridors March 6. In October DoE identified an eastern and a southwestern corridor. The decisions produced a storm of controversy and DoE reconsidered. Now it has affirmed its original calls. Under the DoE decisions, applicants for rights-of-way (ROWs) through the corridors will be allowed to obtain eminent domain authority from the feds even if states deny applications, thus expediting the location of electricity ROWs in high-use areas. The eastern corridor goes through parts of Delaware, the District of Columbia, Maryland, New Jersey, New York, Ohio, Pennsylvania, Virginia and West Virginia. The southwestern corridor traverses seven counties in southern California and three counties in western Arizona. Eleven environmental groups filed suit January 14 against the DoE decision to locate a corridor in eight eastern states. The plaintiffs, including the Piedmont Environmental Council and the National Wildlife Federation, said the ROWs could harm the Upper Delaware Scenic and Recreational River, Antietam National Battlefield and Gettysburg National Military Park. Separately, the Center for Biological Diversity filed suit January 10 against a second DoE decision to locate an electric transmission corridor in Arizona and southern California. Although DoE approved the corridors per orders of Congress in an Energy Policy Act of 2005, the plaintiffs argued that DoE failed to conduct an environmental review before making its decision.

Conference calendar

FEBRUARY

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>.