

# Federal Parks & Recreation

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## OMB backs Centennial program in letter to Senator Burr

The Office of Management and Budget (OMB) this month gave the administration's Park Service Centennial Challenge program a big endorsement.

OMB Director Jim Nussle wrote Sen. Richard Burr (R-N.C.), "The Administration strongly supports the Centennial Initiative, including mandatory financing of the Federal match." Burr is the ranking Republican on the Senate subcommittee on National Parks. That panel is expected to take up Centennial Challenge legislation later this year.

Of perhaps greatest importance Nussle said the administration's fiscal year 2009 budget offers the Senate Energy Committee numerous offsets to provide the \$100 million per year the administration has requested from Congress. "The offsets just within the Energy and Natural Resources Committee's jurisdiction far exceed the level needed to offset the Centennial Initiative's mandatory spending," said Nussle in the March 6 letter. He apparently was confirming to a conservative Republican senator that a conservative Republican President really does support a new \$2 billion spending initiative.

However, the administration's recommended offsets have thus far met with major objections from one party or the other. For instance, Senate Democrats are dead set against oil and gas leasing in northern Alaska and against the sale of public lands, two sources of new revenues under the committees' jurisdiction recommended in the administration's budget.

And ranking committee Republican Pete Domenici (N.M.) objects to such proposals as deducting state shares of mineral royalties and repealing an en-

ergy permit fee provision used to accelerate the processing of oil and gas permits. Those recommendations are also included in the administration's fiscal 2009 budget request.

Meanwhile, Congressional proponents of the ten-year, \$2 billion Centennial Challenge continue to search for other sources of revenue to offset the federal contribution.

In addition to the energy sources recommended by the administration a broad coalition of interest groups is working with House and Senate leaders to identify new sources. Two are being given special attention.

One is a \$50 million allocation from profits the Treasury Department reaps from the imprinting of \$1 coins. It costs Treasury only 20 cents to print and distribute the coins, leaving 80 cents for the Treasury.

The other is a \$10 million allocation from the sale of semi-postal stamps. The National Park Hospitality Association wrote Secretary of Interior Dirk Kempthorne March 14 promoting the stamp idea.

"Literally tens of millions of postcards and other mailed items are linked to park visits each year," the association said. "Concessioners and allies in gateway communities sell postage stamps to meet this demand, and we are prepared to actively promote the use of the semi-postal stamp for this use."

A bipartisan group of senators is expected to introduce shortly a lead Senate Challenge bill that is supported by a broad spectrum of interests marching as the National Park Centennial Network. Craig Obey, vice president for government affairs for the National Parks Conservation Association, is the titular head of the network.

As soon as offsets are nailed down, Sen. Ken Salazar (D-Colo.) is expected to be the lead sponsor of the Senate bill. Senate Finance Committee Chairman Max Baucus (D-Mont.), Sen. Susan Collins (R-Me.) and Sen. Lamar

Alexander (R-Tenn.) are projected co-sponsors.

The measure is expected to follow the lead of a draft bill that has been circulating for several months in the House Natural Resources Committee. Based on a committee Democratic bill (HR 3094) and the recommendations of the network, the measure would:

- broadly define partnerships that could participate in projects,
- set limits on how much money could be allocated to specific activities such as capital improvements,
- authorize multi-park and national projects,
- encourage recreation use in parks (within limits),
- authorize use of Challenge money for land acquisition,
- allow concessioners to serve as partners, and
- insure that trails are eligible for Challenge money.

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 Challenge tab. But those parties have not been able to agree on which sources to use. House committee chairman Nick Joe Rahall (D-W.Va.) is attempting to put the recommendations together.

The administration and interest groups began last year with recommendations that would charge a fee for each application for permit to drill on oil and gas leases (\$23 million and up per year); a two percent deduction on the state share of oil and gas royalties (\$41 million plus per year); and cancellation of an ultra-deepwater oil and gas research program (\$50 million per year.)

But Domenici and House Natural Resources Committee Republicans rebelled and the hunt has been on since for new sources of revenue. Some Republicans have suggested revenues from salvage timber sales and energy conservation by federal agencies.

OMB's Nussle said the administration has two major demands: "First, the Federal funding must be mandatory in order to assure private donors that their contributions will be matched. Second, and equally important, the Federal funding must only be made available to match actual cash donations from private sources."

One member of the network of interest groups supporting the Centennial Challenge legislation interprets Nussle's position this way, "My personal belief is the administration wants at least a one-to-one allocation overall but not a one-to-one allocation for each project. That's important because it would allow small units that don't have friends groups to participate. Otherwise all the money would go to the Grand Canyons and the Yellowstones."

## **GAO to evaluate possible move of Forest Service to Interior**

At the request of House appropriators, the Government Accountability Office (GAO) will study this year the advisability of transferring the Forest Service to the Interior Department from the Department of Agriculture (USDA.)

The House Appropriations Committee confirmed that Rep. Norman Dicks (D-Wash.) requested the study. Dicks chairs the House subcommittee on Interior appropriations and oversees spending for both the Interior Department and the Forest Service.

Dicks has repeatedly complained about Bush administration budget requests for the Forest Service. And he is reportedly interested in seeing if the Forest Service would fit in the Interior Department.

The idea of moving the Forest Service and EPA to the Interior Department to establish a Department of Natural Resources has been around for decades. But political resistance from Forest Service clients has always stopped the initiative cold.

Times may have changed. The Forest Service budget is increasingly domi-

nated by fire-fighting costs. And the service no longer oversees the harvest of billions of board feet of timber each year, in effect a commodity suitable in USDA. The national forests are, however, serving as an increasingly important host for recreation users around the country. And the Interior Department is a more suitable place for the management of recreation.

But observers say that even if a new administration and Congress are inclined to make the move, the process will require the expenditure of immense political capital that could be spent elsewhere, and take years to carry out.

Still, Forest Service Chief of Staff Tim DeCoster advised the agency March 14, "The Forest Service has received notice that the Government Accountability Office will be conducting a review of options that might exist for consolidating the Forest Service into the Department of the Interior. This review is at the request of the House Appropriations Subcommittee on Interior, Environment and Related Agencies. The topic was broached by Members of the Committee during this year's budget hearings."

DeCoster added, "Employees should be mindful that a GAO review of this nature is usually requested by a Committee as a preliminary information-gathering activity, and does not indicate a preference or likelihood of any subsequent action. This topic has been discussed numerous times over the years as government leaders ponder the most efficient organization for federal land management agencies."

The Bush administration in recent years has requested significant decreases in Forest Service operations spending. For fiscal year 2009 it has recommended an appropriation for the National Forest System of \$1.345 billion that is \$161 million less than a fiscal 2008 appropriation of \$1.506 billion. For all fire fighting costs it has recommended \$545 million more for national forest fire programs in fiscal 2009 than for the operation of the National Forest System, or an appropriation of \$1.880 billion.

For recreation in fiscal 2009 the administration requested \$237 million, a substantial \$25.6 million decrease from a fiscal 2008 appropriation of \$262.6 million. For national forest trails the administration requested \$50 million, a \$26.3 million decrease from a fiscal 2008 appropriation of \$76.365 million.

The National Association of Forest Service Retirees recommended to the Dicks subcommittee March 5 an \$85 million increase in National Forest System spending above the administration request. That includes a \$20 million increase for recreation over the administration request. The retirees would accept the administration recommendation for fire fighting.

Congress is well aware of the Forest Service fire-fighting dilemma. 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. House Natural Resources Committee Chairman Nick Joe Rahall (D-W.Va) is the lead sponsor. The other sponsors are Dicks and Rep. Raúl Grijalva, chairman of the subcommittee on National Parks, Forests and Public Lands.

## **Senate omnibus bill said near; Rim of Valley added**

A far-reaching bill (S 2739) that includes dozens of park and recreation measures approved by both the House and the Senate Energy Committee is inches away from the Senate floor.

The measure, at least the fourth such omnibus bill the committee has prepared, includes more than 60 individual bills the House has approved and the Senate committee has approved.

Thus, if the Senate signs off on S 2739, the measure is virtually assured of final passage, subject to some last-second tinkering.

Private property rights advocates who have the ear of powerful western senators are up in arms. They are particularly annoyed that committee leaders this month added to S 2739 a bill they despise that was not in previous omnibus measures - legislation to authorize a Rim of the Valley study in California. Although the committee has not approved the Rim of the Valley bill (S 1053) this year, it has approved the measure the last three years.

The Rim of the Valley bill would authorize a study of the possible addition of 500,000 acres to the Santa Monica Mountains National Recreation Area (SMMNRA.) Critics such as the American Land Rights Association (ALRA) contend that the launch of a study almost guarantees a positive recommendation for additions by the Park Service followed by Congressional approval of an SMMNRA expansion. And that could cost billions of dollars, the critics maintain.

"I really hate these omnibus bills," said Chuck Cushman, president of ALRA and long-term critic of Congressional spending on SMMNRA. "There are many desirable provisions in the omnibus bill but there are a lot of undesirable ones too. Congress ends up spending money that should be used for operation and maintenance of existing parks."

Almost all committee legislation has been held up for most of a year by "holds" placed by Sen. Tom Coburn (R-Okla.) He reportedly objects to any legislation that would come with a price tag and require additional spending.

But Senate Majority Leader Harry Reid (D-Nev.) and Democratic leaders have apparently decided to proceed with S 2739 and attempt to break Coburn's holds by summoning the needed 60 votes for cloture. "The plan as I understand it is for Sen. Reid to call the bill up for a cloture vote to defeat the hold," said a committee staff member. That

could happen as early as next week.

Committee Republicans support the omnibus bill but are trying to stay out of the crossfire between Reid and Coburn. "We're trying to avoid the spray since a Republican senator is responsible for the delay," said a Republican committee staff member. "But we would like to see the package move."

After the Senate acts on S 2739, it may take up a second package of committee-passed measures that the House has NOT acted on. "We're only doing House-passed bills right now," said the majority staff member. "The next package behind it contains things that we have done but the House has not." No timetable has been set for the second bill but it could come up in the next month.

That could open the way for Senate consideration in the second package of a major bill (S 1139) to certify the 26 million-acre National Landscape Conservation System (NLCS) managed by the Bureau of Land Management. The committee approved S 1139 May 23, 2007, but the bill has not moved since. The House Natural Resources Committee approved a counterpart bill (HR 2016) March 12. Because the full House hasn't approved the NLCS bill, it may be a candidate for the next package. (See separate article page 7.)

The Bush administration generally supports the Rim of the Valley legislation. And Democrats in the California Congressional delegation, led by Sen. Dianne Feinstein and Rep. Adam Schiff, solidly back it. The House approved Schiff's bill Dec. 4, 2007, as part of an omnibus House bill, HR 3998. The Senate Energy Committee has scheduled a hearing for April 9 on the House-passed bill.

SMMNRA is the largest urban park in the National Park System with 153,750 acres within its boundaries. NPS says the area provides recreational opportunities for approximately 530,000 visitors annually. The study area extends over 491,518 acres and includes considerable private property.

Here are some other bills included in the Senate omnibus measure:

\* HERITAGE AREAS: The new omnibus bill includes measures dealing with a number of national heritage areas (NHAs.) S 2739 would designate a Journey Through Hallowed Ground NHA in Pennsylvania, Maryland, West Virginia and Virginia; an Abraham Lincoln NHA in Illinois; and a Niagara Falls NHA in New York.

The House approved a multi-faceted national heritage areas bill (HR 1483) Oct. 25, 2007, that would designate six new NHAs including Journey Through Hallowed Ground, Abraham Lincoln and Niagara Falls.

Like the House, S 2739 would increase a spending ceiling on these nine NHAs from \$10 million to \$15 million: 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.

Not included in S 2739 are at least four NHAs that the Senate committee has approved but the House has not acted on. They are candidates for the next committee package. They are a Quinebaug and Shetucket Rivers Valley National Heritage Corridor in Massachusetts and Connecticut; Sangre de Cristo NHA in Colorado; South Park NHA in Colorado; and Chattahoochee Trace National Heritage Corridor in Georgia and Alabama.

Also not included in S 2739 are at least three NHA bills approved by the House that would designate a Muscle Shoals NHA in Alabama; a Freedom's Way NHA in Massachusetts and New Hampshire; and a Santa Cruz Valley NHA in Arizona.

\* TRAILS: S 2739 would designate a Star Spangled Banner National Historic Trail in Maryland, Virginia and the

District of Columbia. The House approved its bill (HR 1388) July 23, 2007.

\* RIVERS: S 2739 would designate the Eightmile River in Connecticut as a wild and scenic river. The House approved its bill (HR 986) July 31, 2007.

\* MISCELLANEOUS: S 2739 includes 21 other bills dealing with the Park Service, including boundary adjustments, studies, designation of commissions, and land conveyances. In addition the bill includes a Wild Sky wilderness bill for national forests in Washington, two land bills for the Bureau of Land Management, 14 water resources bills, two Department of Energy bills and two territories bills.

## Hill budgets will top agenda for Congress next week

When Congress returns to work next week after a long Easter holiday, it will attempt to reconcile differences between House and Senate budgets (H Con Res 312 and S Con Res 70.)

For park and rec purposes there is little difference between the two. Both recommend a major increase in natural resources spending. And both contain a provision that encourages Congress to approve legislation this year to establish a Centennial Challenge fund for the national parks.

The House March 13 approved a \$6 billion increase in budget authority for natural resources (Function 300) in H Con Res 312, increasing it from \$32.6 billion in fiscal 2008 to \$38.7 billion in fiscal 2009. The Senate March 13 approved an even larger \$7 billion increase in S Con Res 70, jumping from \$32.6 billion in fiscal 2008 to \$39.7 billion in fiscal 2009.

A Senate Budget Committee staff member said most of the increase would be allocated to Hurricane Katrina recovery projects. Thus, the increased budget authority would likely not translate into a big increase in park and rec spending in appropriations bills.

The Senate did call on appropriators to reject Bush administration proposals for substantial spending reductions for federal land management agencies, particularly the Forest Service.

As we have often reported, the Bush administration has proposed huge decreases for the National Forest System 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."

While Congressional budgets frequently call for increased spending for specific programs, authorizing and appropriations committees still have to provide money to pay for them. Unless the budget establishes discrete funds - and neither the House nor the Senate would for park and rec programs - the authorizing and appropriations committee must identify offsets, usually in the form of deductions from other programs.

Perhaps the single most important function of the Congressional budget is to guide spending by appropriators. Once the House and Senate agree on a budget, the House and Senate Appropriations Committees will translate final recommendations into spending caps for individual appropriations bills.

Meanwhile, key Senate Appropriations Committee members - Sens. Ted Stevens (R-Alaska) and Dianne Feinstein (D-Calif.) - said early this month Congress should not bother to send money bills to President Bush this year because he would just veto them. And Congress would not be able to override any vetoes.

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.

Or, and this is becoming increasingly likely, Congress may simply extend fiscal year 2008 spending levels throughout fiscal 2009. For most programs that would provide a net gain compared to an administration request, except for Park Service operations.

That is, the fiscal 2008 NPS operations appropriation was \$1.971 billion but the fiscal 2009 administration request is much higher, \$2.132 billion.

Most other programs would gain, vis-à-vis the administration request. For example the state side of the Land and Water Conservation Fund would receive \$24.6 million, compared to a request of zero. Similarly Forest Service recreation would be extended at \$262.6 million, or \$25.6 million more than the administration request of \$237 million.

**NPS CENTENNIAL CHALLENGE:** The House recommended that Congress enact a multi-year Park Service 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 separate article page one.)

**EARMARKS:** The Senate rejected by a substantial 29-to-71 margin a proposal to forbid earmarks in fiscal year 2009 proposed by Sen. Jim DeMint (R-S.C.)

## **California Desert may be added to NLCS on Senate floor**

If and when the Senate takes up a bill to certify the 26 million-acre National Landscape Conservation System (NLCS), Sen. Dianne Feinstein (D-Calif.) will be ready with an amendment to expand the system to 32 million acres.

Feinstein intends to add the entire California Desert Conservation Area (CDCA) to the bill and make it a unit of the NLCS. Some four million acres of the CDCA are in the bill but Feinstein would add another six million acres.

"She wants to make it crystal

clear with no ambiguity whatever that these lands should be part of the National Landscape Conservation System," a Feinstein spokesman told *FPR*. "Whenever the bill comes to the floor she will be willing to offer the amendment."

The staff member is optimistic the Senate will accept the amendment. "We're working with (Senate Energy Committee Chairman Jeff) Bingaman (D-N.M.) and (Sen. Barbara) Boxer (D-Calif.) on the amendment," he said. "This is entirely a California issue."

The Senate Energy Committee approved the NLCS bill (S 1139) on May 23, 2007. Like all committee bills it has been subject to a "hold" by an unidentified Republican senator, assumed to be Sen. Tom Coburn (R-Okla.)

To get around the hold the committee has put together an omnibus bill (S 2739) composed of most of the committee's passed bills. However, committee leaders have not added S 1139 to it because the House has yet to act.

The NLCS measure became controversial when the House Natural Resources Committee took up a counterpart bill (HR 2016) March 12. Although the committee approved the bill by a 24-to-13 vote, committee Republicans led by Rep. Rob Bishop (R-Utah) put up a fight. They argued that HR 2016 goes far beyond a simple confirmation of the NLCS system that was created by administrative fiat. They said the bill could lead to restrictions on the management of NLCS akin to restrictions on uses in national parks.

But the chief sponsor of the House bill, Rep. Raúl Grijalva (D-N.M.), said the bill does not threaten BLM lands with NPS-style limitations. Private property rights advocates agree with Bishop that the legislation could impose new restrictions on land uses.

The earlier California Desert Conservation Area was not included in S 1139 and HR 2016 because it didn't come under the definition of a "national" system, such as a monument or a wilderness study area.

However, units of the CDCA that make up about 3.7 million acres of the 11 million-acre area - the King Range National Conservation Area, the Headwaters Forest Reserve and the Santa Rosa and San Jacinto Mountains National Monument - are included in the NLCS bill.

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 Park 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.

## **DoI ponders World honors for Mount Vernon, Hawaii monument**

The Interior Department said last week it was considering the nomination of Mount Vernon in Virginia and Papahānaumokuākea Marine National Monument in Hawaii to a World Heritage List of significant cultural and natural treasures.

The department will now take public comment until April 3 on the two sites that were chosen from a list of 14. The department said it will make a final decision on whether to submit nominations by September 20 after receiving formal applications on behalf of Mount Vernon and Papahānaumokuākea.

NPS Director Mary Bomar touted the qualifications of the two sites. "Papahānaumokuākea Marine National Monument in northwest Hawaii and Mount

Vernon in Virginia are two significant American sites with global implications," she said. "They deserve consideration for the international recognition that comes with being named to the World Heritage List."

The National Trust for Historic Preservation is not taking an active role in promoting the selection of recommended sites, said a spokesman. However, "We strongly support adding these two sites to the UNESCO World Heritage List," he said.

NPS set this schedule: Public comments by April 3. Final nominations submitted by the sites to NPS by July 1. NPS completes review and submits to World Heritage Centre by September 30. The centre returns the comments in time to allow the Department of Interior to make a final submittal to the centre by Jan. 30, 2009. The world centre makes a final decision sometime in 2010.

The World Heritage Committee is made up of representatives of 21 nations. There are 851 sites now on the list.

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

The 14 new nominated United States list includes nine cultural sites: 1. Civil Rights Movement Sites, Birmingham and Montgomery, Alabama; 2. Dayton Aviation Sites, Ohio; 3. Hopewell Ceremonial Earthworks in Ohio; 4. Mount Vernon; 5. Thomas Jefferson buildings in Virginia; 6. Poverty Point National Monument and State Historic Site in Louisiana; 7. San Antonio Franciscan Missions in Texas; 8. Serpent Mound in Ohio; and 9. Frank Lloyd Wright buildings in Arizona, California, Illinois, New York, Oklahoma, Pennsylvania, and Wisconsin.

The natural sites include: 10. Fagatele Bay National Marine Sanctuary in American Samoa; 11. Okefenokee National Wildlife Refuge in Georgia; 12. Petrified Forest National Park in Arizona; and 13. White Sands National Monu-



ment in New Mexico. Papahānaumokuākea is considered a mixed natural and cultural site.

When President Bush designated a Papahānaumokuākea Marine National Monument in 2006 it was considered by many conservationists the high environmental mark of his presidency. The monument protects a 1,200-mile-long string of islands and adjacent waters. It is jointly managed by the National Oceanographic and Atmospheric Administration, the U.S. Fish and Wildlife Service, and the State of Hawaii.

Mount Vernon of course was George Washington's long-time home.

Comment by April 3 to: *Jonathan Putnam, Office of International Affairs, National Park Service, 1201 Eye Street, N.W., (0050) Washington, D.C. 20005 or E-mail to: jonathan\_putnam@nps.gov.*

## **Lawsuits fly as park backers try to block energy ROWs**

Environmental groups are flooding the courts with lawsuits protesting the designation of two huge electrical transmission corridors by the Department of Energy (DoE.)

The lawsuits maintain that DoE failed to adequately consult the public and to adequately evaluate environmental impacts before identifying the corridors - one in Mid-Atlantic states and one in the Southwest.

The designations could help energy companies locate electrical transmission rights-of-way (ROWs) within the corridors by granting the Federal Energy Regulatory Commission authority to override state and local objections and by providing companies with eminent domain powers.

In the most recent lawsuit three environmental groups including The Wilderness Society asked the Ninth U.S. Circuit Court of Appeals to make DoE consult with the public and prepare environmental documentation. Other lawsuits also asserted that DoE failed

to consult with the Fish and Wildlife Service as required by the Endangered Species Act.

The Wilderness Society lawsuit was filed against the DoE designation of the southwest corridor that traverses seven counties in southern California and three counties in western Arizona.

The Energy Policy Act of 2005 (PL 109-58 of Aug. 8, 2005) directed DoE to "designate any geographic area experiencing electric energy transmission capacity constraints or congestion that adversely affects consumers as a national interest electric transmission corridor."

Based on that direction DoE on Oct. 5, 2007, designated the southwestern corridor and the eastern corridor. The eastern corridor goes through parts of Delaware, the District of Columbia, Maryland, New Jersey, New York, Ohio, Pennsylvania, Virginia and West Virginia.

The designations immediately created a furor. Rep. Maurice Hinchey (D-N.Y.) and eastern colleagues have asked Congress to invalidate the eastern corridor designation, but Congress has thus far refused. Hinchey said the eastern corridor would endanger the Upper Delaware Scenic and Recreational River, Antietam National Battlefield and Gettysburg National Military Park, among other sites.

Environmentalists said the southwestern corridor would endanger four national park units, 12 wildlife refuges and dozens of other conservation areas. Among the threatened areas are Joshua Tree National Park in California and Kofa National Wildlife Refuge in Arizona.

After environmental groups petitioned for reconsideration earlier this year DoE said no on March 6. At least three lawsuits have been filed against DoE's initial decision of Oct. 5, 2007, and its March 6 refusal to reconsider.

One major lawsuit was filed against the eastern corridor on January

10 by 11 environmental groups, including the National Parks Conservation Association and the Civil War Preservation Trust. That suit asked the U.S. District Court in the Middle District of Pennsylvania to order DoE to prepare an EIS and to consult with FWS on impacts to endangered species under Section 7 of the Endangered Species Act. Section 7 of the act requires such consultation.

Bryan Faehner of the National Parks Conservation Association said at the time, "The National Park Service is mandated to 'conserve the scenery' of our national parks - adding new power lines near or through national park sites could severely compromise our national heritage. It is simply inappropriate for energy corridors to be built within the geographic boundaries of, or even within view of national parks, such as Gettysburg."

Another major lawsuit was filed against the southwestern corridor on January 10 by the Center for Biological Diversity. It too argued that DoE should prepare an EIS.

"The Energy Department cannot turn southern California and western Arizona into an energy farm for Los Angeles and San Diego without taking a hard look at the environmental impacts of doing so," said Amy Atwood, staff attorney with the Center for Biological Diversity. "The Southwest Energy Corridor will have far-reaching environmental impacts that must be considered before moving forward."

Finally, after DoE rejected appeals to reconsider its designations, The Wilderness Society, the Natural Resources Defense Council and the California Wilderness Coalition filed suit in the Ninth Circuit, known as a "friendly" court for environmentalists. The plaintiffs said DoE should prepare an EIS.

Added Nada Culver, senior counsel for The Wilderness Society, "The Department of Energy also ignored Congress's intent by failing to comply with the Energy Policy Act's mandates to fully consider public comments and alternatives in designating these corridors.

As a result, large swaths of lands, not corridors, are prime targets for development and DoE's actions will enable project to go forward even over the objections of state and federal agencies, as well as private citizens."

## **Administration weighs in on farm bill spending talks**

When the House and Senate return to work next week they will have until April 18 to complete a multi-year farm bill that meets the demands of the Bush administration. The three parties are close to an agreement, but still are not quite ready to close the deal.

The disagreement as always is over money. House and Senate Agriculture Committee leaders have agreed to about \$10 billion in new funding spread over five years. The administration is sticking with a \$6 billion hike, unless Congress can come up with offsets short of new taxes.

That is not as hard-line as it sounds because Secretary of Agriculture Ed Schafer told the press March 18 the administration has recommended offsets to reach the \$10 billion figure. "We've provided Congress with various spending reductions that could easily offset as much as \$10 billion in additional spending on this bill," said Schafer.

But, he added, "Unfortunately, the farm bills that passed the House and the Senate last year failed to address the issues of reform and instead raised taxes on the American people."

Sportsmen have until now endorsed the \$10 billion increase. They fear that any reduction will reduce conservation spending disproportionately because their programs are far smaller than base farm programs that support the price of crops.

Schafer said a series of extensions Congress has approved since a 2002 farm bill expired on Sept. 30, 2007, fail to provide the public with a stable farm policy. If Congress fails to act real soon, he said, President Bush "will

ask Congress to extend the current law for at least one year."

To review the Congressional negotiations on conservation programs, in February House Agriculture Committee Chairman Collin Peterson (D-Minn.) and ranking Republican Bob Goodlatte (Va.) made an opening compromise offer to Senate Agriculture Committee Chairman Tom Harkins (D-Iowa) 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 was to reach agreement with the Bush administration.

Harkins and the House members then began informal discussions on the Peterson-Goodlatte proposal, with Harkins sticking with \$10 billion. The administration said fine as long as Congress came up with suitable offsets.

Major substantive concerns for sportsmen are caps in the 2002 farm law 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.

A 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.

The version of HR 2419 approved by the Senate Dec. 14, 2007, included 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 included a new program to encourage private land-

owners to open their property to hunters and fishermen.

The House approved its version of HR 2419 July 27, 2007. It also included most of the conservation programs advocated by hunters and fishermen, the private landowner program among them.

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

The Congressional Research Service has prepared an eight-page summary of all conservation programs in the House and Senate bills compared to the 2002 law. Go to: <http://www.ncseonline.org/NLE/CRSreports/07Dec/RL34178.pdf>.

## **Mining near Grand Canyon opposed by Arizona Dems**

Rep. Raúl M. Grijalva (D-Ariz.) was scheduled to hold a hearing today (March 28) on a new bill (HR 5583) to withdraw one million acres near Grand Canyon National Park from hard rock mining.

Grijalva said he is concerned about the impact of uranium mining proposals on the park.

Arizona Gov. Janet Napolitano (D) added her concerns earlier this month when she asked Secretary of Interior Dirk Kempthorne to (1) withdraw additional lands in the area from the staking of mining claims and (2) prepare an EIS on the overall impact of uranium mining around the park.

"It is imperative that we fully understand impacts to the land and water in the Canyon region *before* moving forward with mining and millsite activities," Napolitano wrote Kempthorne March 6. "Should the analysis determine a negative impact to the Canyon, you should exercise your authority to withdraw the lands from mineral entry for twenty years."

In recent years the demand for uranium has caused an explosion in ura-

uranium mining claims on public lands.

Even though uranium is used for energy the federal government does not make it available to mining companies through usual energy leasing procedures, as it does for oil, gas, coal and geothermal. Instead mining companies obtain 40-acre mining claims, as they do for gold, silver and other metals under the 1872 Mining Law. Thus uranium miners pay no royalty to the government.

At a March 12 hearing of the Senate Energy Committee on possible revisions to the 1872 Mining Law, chairman Jeff Bingaman (D-N.M.) inquired about the advisability of leasing uranium and requiring a royalty.

Said Fletcher T. Newton, executive vice president for corporate & strategic affairs for Uranium One, Inc., "The potential impacts from uranium mining on federal lands are substantially similar to those from other hard rock mining and the existing regulatory scheme adequately protects federal lands from all types of hard rock mining."

The Bureau of Land Management (BLM) said that uranium claims make up an increasingly large percentage of all hard rock claims. Said BLM Deputy Director Henry Bisson, "Although the specific minerals are not identified at the time of claim location, we estimate that approximately 40-50 percent of the 92,000 new mining claims in fiscal year 2007 were for uranium."

Napolitano told Kempthorne, "According to a report by the Environmental Working Group, 2,215 new mining claims have been filed within 10 miles of Grand Canyon National Park since 2003 and that 805 of those claims are within 5 miles of the Grand Canyon National Park."

The Grand Canyon Trust supports Grijalva and Napolitano. "We believe that the current uranium boom poses one of the greatest potential threats to Grand Canyon National Park in decades," said David Gowdey of the trust. "Uranium development at the borders of the park threatens to contaminate park waters with radioactive waste, pose pub-

lic-health problems for local residents and downstream communities dependent upon Colorado River water, and disrupt the park's unique ecosystems."

Grijalva chairs the House subcommittee on National Parks, Forests, and Public Lands. The House subcommittee on Energy and Mineral Resources has committed to cohost the hearing.

## Notes

**Congress due back.** After a fortnight recess for the Easter holiday Congress is scheduled to resume work next week. At the top of its agenda is completion of a final Congressional budget. The House and Senate must negotiated details between a House-passed version (H Con Res 312) and a Senate-passed version (S Con Res 70.) Also imminent is Senate action on a comprehensive bill that includes 60 individual bills approved by the Senate Energy Committee, many of them dealing with national parks and recreation. Finally, the House Natural Resources Committee and Senate Energy Committee are expected to begin writing legislation to establish a \$2 billion NPS Centennial Challenge law.

**FS roadless panel to meet.** The Forest Service announced March 14 that its Roadless Area Conservation National Advisory Committee will meet next April 1 and 2 in Washington, D.C. The citizens committee will consider a petition by the State of Idaho for a customized rule that would allow more activities in roadless areas than a current Clinton administration rule. The 2001 Clinton rule bars most road construction on 58.5 million acres of national forest.

**Multi-state wilderness bill set.** Five key House Democrats introduced a multi-state wilderness bill (HR 5610) March 13, counting on the combined power of the sponsors to muscle the bill through Congress this year. HR 5610 effectively assembles in one place six separate wilderness bills totaling roughly 480,000 acres. The bill would affect land in Arizona, California, New Mexico, Oregon and West Virginia. The

land is managed by the Forest Service, the Bureau of Land Management and NPS. A Tumacacori provision (separately HR 3287) would designate 83,300 acres in Arizona. A Riverside County provision (separately HR 3682, S 2109) would designate 200,000 acres in California. A Sequoia National Park provision (separately HR 3022, S 1774) would designate 115,000 acres in the park in California. A Sabinoso provision (separately HR 2632) would designate 20,000 acres in New Mexico. A Copper-Salmon wilderness provision (separately HR 3513, S 2034) would designate 14,000 acres in Oregon. And a Monongahela provision (separately HR 5151, S 2581) would designate 47,000 acres in West Virginia. House Natural Resources Committee Chairman Nick Joe Rahall (D-W.Va.) is the lead sponsor of the multi-state wilderness bill. House subcommittee on National Parks Forest and Public Lands Chairman Raúl Grijalva (D-Ariz.) is a cosponsor. Sponsors of the individual bills are all Democrats except for Rep. Mary Bono Mack (R-Calif.), who sponsored the Riverside County House bill.

#### **Valley Forge resort threat cited.**

The Coalition of National Park Service Retirees is asking the Park Service to speak out against the construction of a resort on 78 acres within the Valley Forge National Historical Park. The coalition said the superintendent of the park has criticized the project, but NPS and Interior Department leaders have not followed suit. The coalition said the proponent of the resort, American Revolution Center, has exerted "intense political pressure." The president of the American Revolution Center, Thomas M. Daly, describes the proposed facility as a museum cum conference center. "It is appropriate that this land, in this location, is the foundation for building the nation's first museum commemorating the birth of our nation through the American Revolution," Daly said on acquiring the 78 acres last year. But the Executive Council Chair of the retiree coalition, Bill Wade, said, "This proposal by ARC is nothing short of a 'hostile takeover bid' designed to create a new, private entrance to the park, lure visitors to the development in order to present ARC's version of the history of

the area and collect the revenue from their visitors." The center's Board of Scholars includes such luminaries as historian David McCullough as founding chairman. The Park Service retirees' coalition says the American Revolution Center will include a hotel, tavern and restaurant. The project was approved Sept. 6, 2007, by the Lower Providence Township Board of Supervisors by a 3-to-2 vote.

#### **Virginia Power plant threat cited.**

The National Parks Conservation Association (NPCA) is opposing a proposed coal-burning power plant on the west side of Virginia because it could increase pollution over the Great Smoky Mountains National Park in Tennessee and North Carolina and the Blue Ridge Parkway in Virginia and North Carolina. NPCA wrote the permitting authority - the Virginia Department of Environmental Quality - to complain that the plant does not include state-of-the-art pollution control equipment. Dominion Power has proposed the project.

#### **Gettysburg advocate given award.**

NPCA March 20 presented its prized Marjory Stoneman Douglas Award to the woman who headed a campaign to block the construction of a gambling casino near Gettysburg National Military Park. Susan Star Paddock chaired No Casino Gettysburg and helped persuade the Pennsylvania Gaming Control Board in December 2006 to reject a casino near Gettysburg. NPCA Paddock for using her own time and her own money to contest the casino.

**NPCA to honor Rep. Rahall.** NPCA will present its highest award April 16 to House Natural Resources Committee Chairman Nick Joe Rahall (D-W.Va.) The William Penn Mott, Jr. award will be presented at an annual Salute to the Parks Gala hosted by NPCA and underwritten by Xanterra Parks & Resorts. Rahall is the lead sponsor of legislation that would make \$2 billion available to the National Parks System over the next decade in anticipation of the system's 100<sup>th</sup> anniversary. At the gala NPCA will also present Edward Osborne (E.O.) Wilson with its Robin W. Winks Award for Enhancing Public Understanding of National Parks.

## Boxscore of Legislation

### LEGISLATION

### STATUS

### COMMENT

#### Appropriations 2009

No bills yet

President Bush submitted his budget recommendations Feb. 4.

President would decrease spending for most park and rec programs, except NPS.

#### Congressional Budget 2009

H Con Res 312 (Spratt)  
S Con Res 70 (Conrad)

House approved March 13.  
Senate approved March 13.

Would increase natural resources spending but mostly for Hurricane Katrina.

#### Appropriations 2008 (Interior)

HR 2643 (Dicks)

President Bush signed into law Dec. 26 as PL 110-161

Increases park and rec spending across-the-board, despite veto threat.

#### Appropriations 2008 (Energy & Water)

HR 2641 (Visclosky)

President Bush signed into law Dec. 26 as PL 110-161

Increases Corp of Engineers and Bureau of Reclamation spending.

#### Appropriations 2008 (Transportation)

HR 3074 (Olver)

President Bush signed into law Dec. 26 as PL 110-161

Provides 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 Aug. 2, 2007.

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, 2007.

Would authorize NPS improvement fund financed by income tax check-off.

#### FLREA repeal

S 2438 (Baucus)

Baucus introduced December 10.

Would repeal most of 2004 federal agency recreation fee law.

#### Heritage areas national

S 278 (Thomas)  
HR 1483 (Regula)

Senate committee approved July 25, 2007. House approved Oct. 25, 2007.

Would establish national standards for new NHA designations. HR 1483 Would designate six new NHAs.

#### Farm bill

HR 2419 (Peterson)

Senate approved Dec. 14, 2007. House approved July 27, 2007.

Would authorize major conservation programs for five years, including new Open Fields program.

#### Conservation tax credits

S 469 (Baucus)  
HR 1576 (Thompson)

Senate committee approved Sept. 20, 2007. Thompson introduced March 19, 2007.

Would make semi-permanent conservation tax credits Congress approved last year.

#### Wildlife conservation grants

HR 3221 (Pelosi)  
HR 2338 (Dicks)

House approved August 4, 2007. Dicks introduced May 16, 2007.

Both would make grant program permanent, open way for new source(s) of money.

#### American Discovery Trail/National Discovery Trails

HR 74 (Bartlett)

Bartlett introduced Jan. 4, 2007.

Would designate an American Discovery Trail and discovery trail system.

#### Trail acquisition authority

S 169 (Allard)  
HR 1847 (M Udall)

Allard introduced Jan. 4, 2007. Udall introduced March 29, 2007.

Would authorize land acquisition authority for nine national trails.

#### Trail expansion authority

S 580 (Hatch)

Senate committee approved June 26, 2007.

Would authorize route variations for four national historic trails.

#### Arizona trail

S 1304 McCain  
HR 2297 (Giffords)

Senate hearing Sept. 11, 2007. Giffords introduced May 14, 2007.

Would designate 807-mile trail from bottom to top of Arizona.