

# Federal Parks & Recreation

Editor: James B. Coffin

Subscription Services: Celina Richardson

Volume 28 Number 22, November 19, 2010

*In this issue. . .*

**Voters supported conservation.**

*In November ballots state and local initiatives succeeded at record rate. However, fewer initiatives were offered ... Page 1*

**Omnibus Senate lands bill readied.**

*Staff has put together package from all energy committee-passed measures. So-so priority .. Page 2*

**AGO report delayed by a month.**

*To give feds time to review the 100,000 comments. Completion date now early December .... Page 4*

**House members seek FS rec help.**

*In letter to service, members seek assurance that rec need not rely on fees to pay bills .. Page 5*

**Expensive plan set for D.C. mall.**

*Makeover would cost \$600M to fix nation's civic space ... Page 6*

**Lame duck does nothing, for now.**

*No legislation moves in first few days. GOP asks LWCF help .. Page 7*

**Budget panel singles out rec.**

*Bowles, Simpson call for cuts in LWCF, hikes in NPS fees .... Page 9*

**Teton exchange moving forward.**

*Feds, state outline in writing deal to transfer lands ..... Page 10*

**Gas tax boost for roads asked.**

*By budget commission, senators. But Mica is against it ..... Page 11*

**Notes ..... Page 12**

**Conference calendar ..... Page 14**

## Voters give conservation initiatives a big boost

Although voters across the country demanded reductions in government spending in the November 2 elections, on a percentage basis they still approved the greatest number of conservation ballot initiatives in the last five years.

Voters approved 84 percent of initiatives - state, county and municipal - compared to 63 percent in 2009, 71 percent in 2008, 66 percent in 2007 and 74 percent in 2006.

Iowa voters approved perhaps the most ambitious initiative - a \$150 million per year Natural Resources and Outdoor Trust Fund. But money for the fund must still be found.

State and local governments did put half as many initiatives before voters as they did in the last off-year election (2006.) But for those proposals that did reach the ballot, voters approved \$2,186,464,866, compared to \$1,951,415,707 in 2006, according to the Trust for Public Lands.

The trust was pleased with the vote for economic and political reasons. Economically, it saw a healthy conservation vote despite the recession.

"Regardless of the economic situation, 84 percent of the initiatives passed and that is the highest in the last decade," said Andrew Dumoulin, director of the Center for Conservation Finance Research. "To happen in a year when the economy was a major political issue shows people still will vote for initiatives when it comes to conservation."

In addition Dumoulin said voters in red and blue states alike supported conservation initiatives. "It doesn't seem to matter whether it's a red or a

blue state the voters seem to be sympathetic to conservation initiatives," he said.

Dumoulin acknowledged that communities put fewer initiatives on the ballot this year because of the recession. "A lot of places wanted to go forward but didn't because of the economy," he said. "But I think you are going to see a lot more initiatives on ballots in 2011 and 2012."

One major conservation initiative suffered a big loss in the November 2 elections: California voters rejected a ballot measure (Proposition 21) designed to bail out both the troubled state park system and state wildlife refuges. The vote was 58 percent against to 42 percent for, or 3,984,478 against and only 2,903,416 for.

Proposition 21 called for an \$18 fee on 28 million registered vehicles in the state. It would have applied the \$500 million per year collected from the fee to conservation purposes through a trust fund.

Backing the proposition were the California Travel Industry, local chambers of commerce, the California State Parks Foundation, teachers and conservationists. Opposing the initiative was a coalition of anti-tax groups and conservatives.

On the other hand in Oregon voters approved by a 69-to-31 margin a constitutional amendment that will extend the dedication of 15 percent of lottery proceeds to parks, beaches, wildlife and other conservation purposes. That's about \$100 million per year.

And in Iowa some two-thirds of voters approved the establishment of a Natural Resources and Outdoor Trust Fund. The catch there is the state legislature must approve a new sales tax of .00375 percent to pay for the fund, and, according to the Iowa press, the legislature is not in much of a mood to increase taxes.

Also on the plus side for land initiatives, nearly 75 percent of Ari-

zona voters refused to kill an Arizona conservation fund that is part of the state's Growing Smarter Act. That fund sets aside \$20 million per year of general fund money for acquisition of state trust land. The initiative would have transferred \$123.5 million out of fund reserves to the state's general fund.

The conservation website called LandVote provided us with statistics that showed that states and localities with successful Republican candidates supported conservation initiatives, beginning with Iowa where Terry Branstad (R) was elected governor with 53 percent of the vote and Sen. Chuck Grassley (R) was reelected with 64 percent of the vote.

Oakland County, Mich., approved the largest single county initiative. It authorized a 10-year property tax that would produce over time \$109 million in conservation money.

The Trust for Public Lands, in association with other organizations, has developed a website, <http://www.landvote.org>, with a wealth of data on conservation initiatives from 1988 to the present.

## **Omnibus Senate lands bill ready; it's up to leadership**

If the Senate leadership is willing, the Senate Energy Committee staff has assembled an omnibus lands bill with 60 or so individual bills, including new National Park System units.

"We have put it all together, but it hasn't been introduced," said Bill Wicker, press spokesman for the committee's Democratic majority. "There are more than 60 bills that the committee has passed that are ready to go, if and when the opportunity is presented."

Wicker said the list includes all measures approved by the committee in the last 18 months, including bills from Republicans and Democrats. If the Senate does move the bill in the final days of a lame-duck session next month, it would still have to be agreed to by the

House, which would have its own ideas about what bills to include.

Besides it's not a given that the Senate will move an omnibus bill. "I can tell you that the omnibus is not at the head of the queue on the Senate floor," said Wicker. "There are a lot of bills in the pipeline and the omnibus falls somewhere in the middle."

Conservation groups from around the country last week did their part by asking Congress to act on an omnibus. A coalition of 173 mostly local environmental groups wrote House and Senate leaders November 10.

"On behalf of the organizations and individuals we represent, we respectfully request that you make the consideration of these significant proposals a priority before the adjournment of the 111th Congress," they wrote.

The groups, led by The Wilderness Society, argued, "These bills are the result of extensive collaboration and enjoy broad support from local elected officials, non-profit organizations, businesses, and other community leaders."

As Wicker noted, it is not a given that Congress will even entertain an omnibus lands bill. Democratic leaders have only talked about passing bills dealing with appropriations, taxes and international affairs in the lame-duck session. That doesn't leave much room for a lands bill.

Among the possible candidates for an omnibus bill:

GETTYSBURG EXPANSION: S 3159, HR 4395. House approved March 19. Senate hearing May 19. Of the many expansion bills this Gettysburg measure is particularly noteworthy. It would add the Gettysburg Railroad Station to Gettysburg National Military Park and would add a 45-acre tract south of the battlefield to the park. Sens. Arlen Specter (D) and Robert B. Casey (D) and Rep. Todd Russell Platts (R-Pa.) introduced the legislation.

REVOLUTIONARY WAR AND WAR OF 1812: HR 1694, S 1168. The House approved this bill on April 21, 2009, that would authorize up to \$10 million per year to acquire more Revolutionary War battlefields and up to \$10 million per year to acquire more War of 1812 battlefields. The Senate Energy Committee approved the bill on March 2. Sen. Charles Schumer (D-N.Y.) and Rep. Rush Holt (D-N.J.) are the lead sponsors.

FIRST STATE NATIONAL HISTORICAL PARK: HR 3893, S 1801. Senate Energy Committee hearing May 19. Sens. Thomas Carper (D-Del.) and Edward Kaufman (D-Del.) introduced this bill to establish a National Park System unit in their state of Delaware. Rep. Mike Castle (R-Del.) introduced a counterpart bill. Delaware, the first state to vote to join the union, is also the only state without a unit of the National Park System. Carper and Kaufman would change that by designating a First State National Historical Park. The park would include historical sites, such as an area in Dover where local officials decided to ratify the U.S. Constitution.

VALLES CALDERA: S 3542. The Senate Energy Committee approved this legislation from committee chairman Jeff Bingaman (D-N.M.) August 5. It would transfer the Valles Caldera Preserve in New Mexico from the Forest Service to the Park Service. The Congressional Budget Office reported September 10 the legislation would cost \$16 million over the next five years, but said the transfer would not violate Congress's "pay-as-you-go" rules because the extra money would presumably be taken out of existing appropriations. Congress designated the preserve on 88,900 acres of Santa Fe National Forest land in 2000.

WACO MAMMOTH NATIONAL MONUMENT: HR 1376, S 625. The House approved this bill July 27, 2009, that would include in the National Park System a site that includes remains of mammoths in Waco, Texas. Sen. John Cornyn (R-Texas) introduced S 625 and Rep. Chet Edwards (R-Texas) introduced HR 1376. The Senate Energy Committee held a hearing July 15, 2009.

LONGFELLOW HOUSE-WASHINGTON'S HEADQUARTERS NATIONAL HISTORIC SITE: HR 6203, S 1405. The Senate approved this bill introduced by the late Sen. Edward Kennedy on May 7. The House has not acted on its bill introduced by Rep. Michael Capuano (D-Mass.) The bill would designate the Longfellow House in Cambridge, Mass., as a national historic site.

COLTSVILLE NATIONAL HISTORICAL PARK: HR 5131, S 3291. The House September 22 refused to approve this bill under a suspension of the rules procedure that requires a two-thirds majority, so it is in trouble. It could still come up again under regular procedures that require a simple majority. Rep. John Larson (D-Conn.) introduced the House bill that would honor the legacies of Colt Firearms and the Colt Family. Sen. Chris Dodd (D-Conn.) introduced the Senate bill which was given a hearing September 29 by the Senate Energy Committee.

### **AGO report delayed a month while feds analyze comments**

The Obama administration's final report on an America's Great Outdoors (AGO) initiative has been delayed for up to a month because of the time required to analyze some 100,000 public comments. The Council on Environmental Quality confirmed the report would be delayed.

The due date on the administration's seminal position on outdoor recreation had been November 15 but that has been pushed back to somewhere between December 5 and December 15.

Meanwhile, it is understood most recent drafts of the report have placed a much greater emphasis on recreation on federal lands, including the National Park System. Earlier drafts had paid minimal attention to recreation in the national parks, national forests, wildlife refuges and other federal lands.

President Obama kicked off the America's Great Outdoors initiative at a White House conference April 16 and

ordered his cabinet heads to go out into America and report back to him by November 15 on content.

Obama laid out four goals for the initiative report, to be fashioned under the lead of Council on Environmental Quality Chair Nancy Sutley. He suggested four substantive strategies: (1) build on efforts outside the beltway, (2) help property owners protect property, (3) help get young people outdoors and (4) build "a new generation of community and urban parks."

The AGO game plan called for six task forces of federal officials, including one on recreation, to write drafts of recommendations. Final recommendations are supposed to be delivered to the White House by the Council on Environmental Quality by November 15.

Several factors may be contributing to the alleged low-balling of the Park Service and other federal land management agencies, beginning with money, according to several sources. They include a big squeeze on federal budgets, an alleged administration plot to designate more than a dozen national monuments on federal lands without consulting with Congress, an implication that the Park Service is being de-emphasized because the Department of Agriculture is in charge of writing the recreation component of the AGO report.

Also reportedly at risk in the recreation report of AGO is a proposal to guarantee the state side of LWCF with at least 40 percent of the total annual appropriation. Assuming that LWCF received full funding of \$900 million, that would amount to \$360 million per year.

Despite the down-playing of NPS in the draft AGO reports, the AGO website indicates it has received more comments on increased funding for the national parks than any other issue, presumably supportive, followed by protection of wildlife corridors in national parks.

In addition the National Parks Conservation Association (NPCA) published a report of its own recently that

identifies the recreation benefits the national parks play in the country. The advocacy group assembled its recommendations based on the input offered to AGO in a couple dozen listening sessions around the country.

The undated report, *National Parks Belong at the Heart of America's Great Outdoors*, says the parks play six essential recreation roles in the country: (1) provide an opportunity for healthy exercise, (2) anchor large landscapes, (3) stimulate the economy, (4) provide more recreational opportunities, if the system were expanded, (5) help communities manage recreational facilities and (6) provide classrooms to educate Americans about the outdoors.

The NPCA report is available at the association's website, <http://www.npca.org>.

## Draft House letter asks for clear rec role in FS planning

A bipartisan group of House members is expected shortly to ask the Forest to emphasize clearly the role of recreation in an upcoming forest planning rule.

The House members, led by Republican Reps. Kevin McCarthy (Calif.) and Rob Bishop (Utah), singled out for criticism an inference in background Forest Service documents that recreation should be forced to pay its own way. That is, more user and entrance fees and less appropriations money.

The offending language in background documents refers to "fiscally sustainable" recreation. Says the draft of the House letter to Forest Service Chief Tom Tidwell, obtained by *FPR*, "(W)e have concerns that the Draft Recreation Approach (DRA) posted online includes terms we think are vague and ambiguous, which could lead to reduced recreational opportunities on USFS lands. For example, the DRA specifies recreation must be '(environmentally and fiscally) sustainable.'"

The letter continues, "These are

broad concepts that can be difficult to define. Because stakeholders may be unable to agree on definitions, this could hamper individual forest supervisors' ability to develop land management plans that include robust and diverse access and recreation provisions."

McCarthy and Bishop will hold influential posts in the House next year. House Republicans have elected McCarthy to the number three House leadership Whip position and Bishop is in line to chair the House subcommittee on National Parks Forests and Public Lands.

The recreation establishment from industry to hunters and fishermen to hikers has been apprehensive because back-up Forest Service planning documentation didn't give recreation the prominence they believed it deserves in forest management under the Multiple-Use Sustained Yield Act of 1960.

The recreation establishment, as represented by the Coalition for Recreation in the National Forests, includes 72 diverse interest groups such as the National Rifle Association, the Theodore Roosevelt Conservation Partnership, and Forest Service retirees.

Having received 26,000 comments on its notice of intent to prepare a rule and having held 40 meetings, the service said in August it intended to publish a draft rule by the end of the year. That has been pushed back until January.

The Forest Service team that is writing the planning rule has been posting frequent notices about how it will approach the task. On July 23 the service issued a broad, one-page "Recreation Approach" paper.

Some recreationists believe the Forest Service planning rule goes hand-in-hand with an emerging report from President Obama's America's Great Outdoors (AGO) initiative. "I think we are at a tipping point," said Derrick Crandall, president of the American Recreation Coalition. "If we end up with a planning rule without a clear role for recreation and an AGO report without a mention of recreation you are

going to see not just the motorized interests and hunters and fishermen but all recreationists be very vocal."

As required by the National Forest Management Act of 1976 (NFMA) the Forest Service has since 1976 prepared 127 forest plans to guide land uses in 155 national forests and 20 grasslands (some plans cover more than one forest and/or grassland.)

Under NFMA forest plans are to be revised every 15 years. However, the agency said dozens of the existing plans are overdue for revision because they should have been rewritten between 1998 and now.

While the Forest Service prepares the new rule it will use a 2000 Clinton administration rule to guide planning by individual forests. However, that 2000 rule also allows forests in turn to use a 1982 rule. The 1982 rule may be the choice of most forests because the 2000 rule was so complex, the agency said.

The Bush administration struck out twice in trying to write a master-planning rule. On January 5, 2005, it completed a first set of regulations, without preparing an EIS. And on April 21, 2008, it tried again with a perfunctory EIS. Two federal judges held separately that the Forest Service failed to adequately evaluate the environmental impacts of the rules.

## **D.C. mall plan recommends costly redo; partners help?**

The National Mall - the nation's premiere civic space in Washington, D.C. - is in line for a \$600 million restoration under a plan unveiled last week.

The preferred alternative in the plan includes the replacement of lawn with paved spaces, renovation of structures and a general modernization of the mall.

As ambitious as the plan is the Park Service acknowledged that nothing will happen without money. "The approval of the plan does not guarantee

that funding and staffing needed to implement the plan will be forthcoming," says the plan. "Full implementation of the plan could be many years in the future."

Secretary of Interior Ken Salazar, who signed the planning document with NPS Director Jon Jarvis, said the current condition of the mall merits a "C" grade. But Salazar said the plan would bring that up to an A.

Portions of the mall, which stretches more than two miles from the Capitol to the Lincoln Memorial, are often in a scabrous state. A reflecting pool is grungy, lawns are worn down to bare dirt, buildings are deteriorating and pedestrian walks are falling apart.

The American Recovery and Reinvestment Act (ARRA) put almost \$50 million into restoration of facilities on the mall. That money is not included in the \$600 million estimate. The ARRA economic stimulus law (PL 111-5 of Feb. 17, 2009) provided \$30 million for reconstruction of the Lincoln Memorial Reflecting Pool, \$12 million to rehabilitate a Tidal Basin seawall and \$7 million to restore a D.C. War Memorial.

The \$600 million figure is a little misleading in that a no action alternative in the plan would still cost about \$400 million to manage the mall as it is now managed. So the preferred alternative would cost about \$200 million above anticipated existing appropriations.

Given the difficult budget times, the financing of the plan will depend greatly on private contributions. To that end John E. "Chip" Akridge, chairman of the Trust for the National Mall, was featured at a November 9 press conference with Salazar and Jarvis. "We look forward to working with our partners at the National Park Service in raising the necessary funds to implement this plan," Akridge said.

Also prominently featured was the president of the Coca-Cola Company, Steve Cahillane. The company is a "Proud Partner" to the National Park

Foundation. So presumably Coca-Cola will be helping out.

The preferred alternative lists these costs:

- \* New visitor facilities; \$62.6 million
- \* Other facility costs (paths, restoration); \$198.8 million
- \* Rehabilitation of water features; \$299.1 million
- \* Natural resource restoration; \$40 million to \$80 million
- \* Education and communications; \$5.6 million to \$7.6 million
- \* TOTAL; \$606 million to \$648 million.

### **Lame duck does nothing yet; all held over to December**

Congress accomplished none of its outdoor agenda this week in the opening days of a lame-duck session, leaving in the lurch legislation to keep agencies in money, to insure conservation funding, to establish a new highway law, to set park overflight policy, to authorize dozens of lands bills, to authorize water resource projects and to revise wetlands permitting.

But House and Senate leaders did say they intend to attack the appropriations bills when the two houses return for a longer lame-duck session in December. They only planned to work four days this week, as usual leaving the hard work for the last days of the year.

In fact, if past divided Congresses are any indication, this lame duck could run up until Christmas Eve. In 2005 a divided Congress worked until three days before Christmas.

Receiving significant attention is legislation that would authorize full funding for the Land and Water Conservation Fund (LWCF.) The House approved full funding as part of a comprehensive energy bill that addresses the Deepwater Horizon Gulf oil spill with full funding for LWCF aboard. And the Senate has before it several bills that would provide full funding, including a lead measure (S 2747) from Sen. Jeff Bingaman (D-N.M.)

Of all things in this politically hostile Congress four Republican senators last month wrote Senate leaders from both parties and asked them to pass legislation to guarantee LWCF full funding.

"As the 111th Congress concludes, we urge you (to) work in a bipartisan manner on a path forward to achieve full and dedicated funding for the LWCF," wrote Republican Sens. Richard Burr (N.C.), Scott Brown (Mass.), Judd Gregg (N.H.) and George Voinovich (Ohio.)

In a parallel step November 4, New England based human-powered outdoor recreation companies partnered with timber companies to make a similar pitch to New England senators for LWCF assistance. The 45 companies wrote, "Our customers, employees, and all New Englanders enjoy a rich land, water and recreation heritage. Ready access to public parks, forest lands, refuges, trails, coastal areas and open spaces promotes health and well-being, while contributing significantly to our local, state and regional economies."

They concluded, "We appreciate your conservation leadership and, at this critical moment, urge your support for the enactment of LWCF full funding in legislation that will receive consideration during the remainder of this Congress."

On the recreation side the letter was signed by officials of such companies as Eastern Mountain Sports and L.L. Bean. On the timber side it was signed by representatives of such companies as Hancock Timber Resource Group and Forest Capital Partners.

Here's where Congress will stand when it returns in early December on outdoor issues that have a whisper of a chance in the lame duck:

**APPROPRIATIONS:** INTERIOR: The House subcommittee on Interior appropriations approved a version of this bill July 22. The Senate Appropriations Committee has not begun work on a bill yet. If and when the full House Appropriations Committee, the House, the

Senate or all of the above do develop a fiscal 2011 Interior money bill, they will be operating under a spending cap of between \$32.2 billion and \$32.3 billion, about the same as the \$32.2 billion total of fiscal 2010, not counting stimulus money.

The House Appropriations Committee is attempting to keep secret the numbers in the subcommittee bill, but a few have trickled out, such as an increase in national park operations of \$35.3 million, or \$2.297 billion compared to a fiscal 2010 appropriation of \$2.262 billion; an increase of \$8 million for national forest recreation, from \$285.1 million in fiscal 2010 to \$293.2 million; an increase of \$106 million for the federal side of LWCF, or \$384.1 million compared to a fiscal 2010 appropriation of \$277.9 million; and an increase of \$10 million for the state side of LWCF, or \$50 million compared to a fiscal 2010 appropriation of \$40 million.

**APPROPRIATIONS ENERGY AND WATER:** The full Senate Appropriations Committee approved this bill (S 3635) July 22 that finances the Corps of Engineers and the Bureau of Reclamation. The House subcommittee on Energy and Water Appropriations approved a counterpart bill (no number) July 15.

**APPROPRIATIONS TRANSPORTATION:** The full Senate Appropriations Committee approved this bill (S 3644) July 22 that pays for highway and transit programs. The full House approved its counterpart bill (HR 5850) on July 29.

**APPROPRIATIONS AGRICULTURE:** The Senate subcommittee on Agriculture Appropriations approved this bill (no number) July 15 and the House Agriculture Committee July 27 postponed a scheduled mark-up of a subcommittee-passed bill.

**OMNIBUS LANDS BILL:** The House and Senate are toying with the idea of assembling more than 100 individual lands bills in an omnibus bill during the lame duck, including several new units of the National Park System. (See related article page 2.)

**LWCF:** The House approved legislation (HR 3454) July 30 to provide full funding of \$900 million per year for LWCF. Bingaman introduced S 2747 Nov. 6, 2009.

**HIGHWAY LAW:** The old SAFETEA surface transportation law, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, expired Sept. 30, 2009, but Congress has kept it going with temporary extensions. Most recently on March 18 Congress extended SAFETEA until December 31 (PL 111-147.) Another extension is expected, perhaps until the end of March. (See related article page 11.)

**NATIONAL PARK OVERFLIGHTS:** The House passed its bill March 19, 2009, the Senate passed its bill March 22, 2010, and the two bodies are now negotiating the details of the measure. (Both used the since pre-empted bill number HR 1586.)

The overflights provision, developed in the Senate by Sen. Ron Wyden (D-Ore.), addresses the inability of NPS and FAA to complete any park air tour plans in the decade since Congress wrote the National Parks Air Tour Management Act of 2000 (PL 106-181 April 5, 2000.)

The provision would more clearly delineate the responsibilities of FAA and the Park Service in regulating overflights. According to some NPS officials and interest groups, disagreements between the two agencies have been partially responsible for the failure of the agencies to complete any air tour plans in the last decade.

The Senate also approved for its bill an amendment that would assess fees on air tour operators large enough to pay for air tour management plans. The amendment was sponsored by Sen. Tom Coburn (R-Okla.), frequently a critic of initiatives to expand the National Park Service. His amendment simply gives the Interior Department authority to assess a fee, with the amount to be "determined."

There are still a couple of sticking points that the House-Senate nego-



tiators must overcome. One is a provision in the House bill that would make it easier for FedEx workers to unionize. Another is a provision in the Senate bill that would allow longer-distance flights from Washington's Reagan National Airport.

**WETLANDS:** House Transportation Committee Chairman James Oberstar (D-Minn.) introduced this bill (HR 5088) April 21 that would make clear that most wetlands must receive Clean Water Act permits. But the measure has not moved since.

The Senate Environment and Public Works Committee June 18, 2009, approved a counterpart bill (S 787) introduced by Sen. Russell Feingold (D-Wis.) But it has moved no further.

Three ranking House committee Republicans asked for a delay in consideration of HR 5088 this summer in order to assess "the effects that this bill will have on the economies of rural communities and the nation as a whole."

The letter was signed by ranking House Natural Resources Committee Republican Doc Hastings (Wash.), ranking House Agriculture Committee Republican Frank Lucas (Okla.) and ranking House Small Business Committee Republican Sam Graves (Mo.)

**WATER RESOURCE PROJECTS:** The House Transportation Committee approved a 2010 Water Resources Development Act bill (HR 5892) July 29, but the \$6 billion measure probably won't go anywhere because of Republican opposition.

House Republicans are by and large refusing to identify and set aside earmarks in the bill. The bill includes projects for only four Republicans. Also, given the federal budget woes, it's doubtful that Congress can gain approval for the 300 new projects.

## **White House budget commission draft singles out rec**

The cochairmen of a White House sponsored commission on future budgets

recommended in a draft report November 10 that Congress slash spending for the Land and Water Conservation Fund (LWCF) and that Park Service entrance fees be increased.

More broadly, former Clinton White House aide Erskine Bowles and former Sen. Alan Simpson (R-Wyo.) recommended that the administration freeze federal salaries, reduce the federal workforce by 10 percent and sell off federal land.

The recommendations from Bowles and Simpson are not set in stone. They must be approved by 15 members of the 18-member National Commission on Fiscal Responsibility and Reform before the commission makes its recommendations to Congress by December 1.

Already, Democrats are blasting the draft report, with Speaker of the House Nancy Pelosi (D-Calif.) famously calling it "simply unacceptable." So the commission has lots of work to do before December 1.

The commission also recommended a 15-cent increase in the gasoline tax to pay for a new multi-year surface transportation law with billions of dollars in outdoors money. (*See separate article page 11.*)

Of LWCF Bowles and Simpson repeated an argument frequently advanced by western Republicans: If the government can't maintain the land it now manages, it shouldn't be buying more land. So the two recommended Congress reduce the fiscal 2011 appropriation from a requested \$619 million to \$300 million.

"The federal government already owns 650 million acres that it has struggled to maintain," says the draft report. "So while we continue to experience a maintenance backlog between \$13.2 and \$19.4 billion, Congress is seeking to acquire even more land. By not funding this account until the maintenance backlog has been decreased less than \$1 billion, the federal government will save just under \$300 million each year."

The counter argument to that made by LWCF supporters of course is that the country made a deal in the 1960s that allows oil and gas drilling offshore in return for the use of royalties for conservation purposes, i.e. LWCF. And, LWCF proponents argue, acquiring land now prevents the loss of conservation landscapes through development and heads off possible increases in purchasing prices.

The commission chairmen projected a budget for the Park Service of \$3 billion in 2015, down somewhat from to \$3.15 billion appropriation in fiscal year 2010. To help reduce the appropriation they would increase fees from \$172 million per year now by another \$75 million by 2015.

"Under this option, \$75 million in 2015, or about a quarter of the expected spending on visitor services, would be paid for by a small increase in visitor fees," says the draft. "Where visitor fees have been instituted, they vary greatly and are often anywhere from \$3 to \$25 per week. Raising \$75 million in visitor fees would average under \$0.25 per visitor."

More broadly Bowles and Simpson called for major across-the-board reductions in the size and cost of the federal workforce. By 2015 they would freeze federal salaries and save \$15 billion that year. The saving in fiscal 2012 would be \$3.3 billion.

By replacing just two out of three federal government positions that come vacant they would cut the workforce by 10 percent to a total of 200,000 workers by the year 2020. And they would eliminate 250,000 non-defense contractors.

Finally, in a confusing paragraph on reducing fire-fighting costs, Bowles and Simpson repeatedly complain about duplications of effort between a Forest Service fire fighting program and an Interior Department fire-fighting program. But instead of recommending a merger of the two agencies the draft report simply recommends the agencies "develop clear cost containment plans" to save \$400 million per year.

## Grand Teton exchange could add state lands to park

Wyoming Gov. Dave Freudenthal (D) said last week that he and the Interior Department are close to an agreement on a major land deal that would transfer state lands within Grand Teton National Park to NPS.

The state's asking price is \$107 million. That would begin with an allocation of \$22 million over the next three fiscal years (fiscal 2011-2013.)

Assistant Secretary of Interior for Fish and Wildlife and Parks Thomas L. Strickland laid down a Statement of Principles November 4 for the exchange/sale based on months of negotiations between the department and the State of Wyoming.

"The Agreement will be based on the 2010 appraisal report (Appraisal) prepared in accordance with the process set forth in PL 108-32, and totaling \$107,200,000 as reviewed and approved by the State of Wyoming," said Strickland's Statement of Principles.

Wyoming Gov. Dave Freudenthal (D) replied to Strickland the next day that he generally accepts the Interior Department Statement of Principles, except for the assertion that the state had approved the appraisal.

"As one point of potential departure from the Statement of Principles outlined in your letter," Freudenthal wrote Strickland, "I would clarify that the 2010 appraisal report has not yet been 'reviewed and approved' by the State of Wyoming."

Strickland didn't say where the \$107 million would come from. In setting out the \$22 million in early payments he said (emphasis ours), "As an initial step, the Department will seek to have available *appropriated and other funds* totaling approximately \$22 million to be used in fiscal years 2011 through 2012 towards the phased acquisition."

The state owns the surface and

subsurface rights to 1,366.32 acres within Grand Teton, according to the Wyoming State Lands office, as well as an additional 40 acres of just subsurface rights.

Under the outlines of the negotiations, according to Wyoming newspapers, in return for giving up the state inholdings Wyoming would receive federal coal reserves near ongoing coalmines. Coal companies produce a huge portion of the nation's coal from mines in the Powder River Basin. Again, Strickland didn't specify where the federal money would come from.

Wyoming is the leading coal producing state in the country and the Powder River Basin alone produces more than twice the amount of coal each year as second-place West Virginia, and more than the entire Appalachian region. While the federals appear to have a valuable bargaining chip, the loss of royalties could pose a budget problem.

At any rate at a November 5 press conference Freudenthal was cautiously optimistic an agreement could be reached. "Our agreement in principle marks a large step forward to resolving what has been a major issue between the United States and the federal government for more than 40 years," he said. "But as always, I remain a bit skeptical in that sincerity is subject to proof, and I look forward to working through this."

Another problem, Freudenthal will leave office on January 3. But an aide to Freudenthal has told us the governor believes the deal should be consummated by then.

Before the agreement was announced last week Freudenthal had been talking about a deal that would combine a down payment to the state from the Land and Water Conservation Fund, followed by a share of the revenues from coal-lease bonuses. That way the feds would hold onto the coal leases and the state would simply receive an agreed to share of the lease bonuses. The feds are expected to sell about a dozen coal leases over the next 18 months.

## Budget panel calls for gas tax increase in draft report

The cochairmen of a White House sponsored commission on future budgets recommended in a draft report November 10 that the gasoline tax be increased by 15 cents per gallon. Such an increase would presumably pay for a new multi-year surface transportation law with billions of dollars in outdoors money.

There is just one problem - the man on schedule to chair the House Transportation Committee next year, Rep. John Mica (R-Fla.) - opposes an increase in the gasoline tax.

In an interview with *Bloomberg News* after the election Mica said that raising the gas tax "is off the table." Instead of higher taxes Mica said he favored using federal money to leverage private investments.

(In a separate development, the present chairman of the committee, Rep. James Oberstar (D-Minn.), is already being mentioned as a new Secretary of Transportation, if the existing chairman Ray LaHood steps down. Oberstar lost his re-election bid. "It wouldn't surprise me to see (Oberstar) show up in Transportation in the second half of the Obama administration," said Jim Berard, who has worked for the Congressman for years. "It's a logical place for him to go. He would have a chance to set the stage for the next transportation bill.")

As we have often reported Congress has been unable to move a new surface transportation bill since the old law expired more than a year ago on Sept. 30, 2009. Congress has extended the old law, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), until December 31 to provide time to write a new law.

But the House and Senate almost certainly will not complete a new law next month in a lame-duck session, if only because the Obama administration won't submit its recommendation until

next February. So another lengthy extension of SAFETEA-LU is in the cards. An extension through March is likely, depending on what Mica wants to do.

The House subcommittee on Highways and Transit did approve June 24, 2009, a version of a new highway bill. That measure would spend \$500 billion on highways and mass transit with a marked emphasis on outdoor programs. However, neither the House nor the Senate identified the money to pay for it. The existing gasoline tax would come up \$100 billion or more short.

The Obama administration has recently prodded Congress in the lame-duck session to move a new bill. On September 6 the President boosted his proposal for an up-front \$50 billion infusion into transportation programs immediately, as a down payment on the \$500 billion bill. He would use increased oil and gas industry taxes to pay for it.

But any talk of increased taxes - whether on the oil and gas industry or on the price of gasoline - is anathema to most Republicans, particularly in light of the November 2 elections where federal spending was the major issue.

So the leaders of the National Commission on Fiscal Responsibility and Reform were swimming against the tide in their rough draft when they said, "Raise gas tax gradually by 15¢ beginning in 2013." The chairs, former Clinton White House aide Erskine Bowles and former Sen. Alan Simpson (R-Wyo.), did say that Congress should not spend any other money on transportation, such as regular appropriations, as it has in the past.

The recommendations from Bowles and Simpson must be approved by 15 members of the 18-member National Commission on Fiscal Responsibility and Reform before the commission makes its recommendations to Congress by December 1. The commission is charged with putting put the federal budget "in primary balance so that all operations and programs for the federal government are paid for (achieving deficits of about 3 percent of GDP) by 2015 and to meaningfully improve the long-term fiscal outlook."

President Obama established the commission on February 18.

Two senators, George Voinovich (R-Ohio) and Tom Carper (D-Del.), did endorse a gas tax hike, even if Mica opposes it. "This proposal will address our transportation needs, create hundreds of thousands of jobs, and reduce the deficit," said Carper.

In fact Carper and Voinovich proposed a 25-cent increase in the gasoline tax, instead of 15 cents, to be phased in over the next three years. The senators said the tax would raise \$200 billion over five years. They recommended that \$117 billion (or 15 cents per gallon) be dedicated to the highway fund, and \$83 billion (or 10 cents per gallon) go for deficit reduction.

An alliance of industry groups, unions and state officials endorsed the Bowles-Simpson 15 cent proposal as good for the economy. "The issue of transportation investment is directly linked to balancing the federal budget," they said in a statement. "Without new Highway Trust Fund revenue, policymakers will be forced either to impose highway and transit program cuts that would reduce payrolls and impede economic growth; or add an estimated \$34 billion over the next six years to general fund spending."

Among the groups signing the statement were the American Road & Transportation Builders Association, the Laborers' International Union of North America, and the American Association of State Highway and Transportation Officials.

## Notes

### **NLCS given special management.**

Secretary of the Interior Ken Salazar November 15 established a special office to manage the Bureau of Land Management's (BLM's) National Landscape Conservation System (NLCS.) The new office within BLM signifies the Obama administration's determination to protect large landscapes. The administration has been in hot water with western Republicans because of an internal Inte-

rior Department memo that suggests the designation of 14 new national monuments on BLM lands. With those designations pretty much off-limits because of the controversy surrounding the memo, Salazar has now taken a separate step to protect the existing conservation lands managed by BLM by establishing the new office. "This action reflects the growing importance of the 27-million acre National Landscape Conservation System to local economies, to the health of communities, and to the conservation of some of America's greatest landscapes," Salazar said at a National Landscape Conservation System Summit in Las Vegas. Former Secretary of Interior Bruce Babbitt established the NLCS administratively during the Clinton administration. Congress gave the NLCS formal approval in the Omnibus Public Land Management Act of 2009 (PL 111-11 of March 30, 2009.) The system contains wilderness and wilderness study areas, wild and scenic rivers, national monuments, national conservation areas, and scenic and historic trails, among others. The new office will be called the National Landscape Conservation System and Community Partnerships. Conservation groups praised Salazar. "The wildlife, cultural and archaeological sites, and unspoiled natural areas included in our National Conservation Lands are better off today thanks to this endeavor," said Brian O'Donnell, executive director of the Conservation Lands Foundation. The foundation is dedicated to preserving the NLCS.

#### **Murkowski to keep committee rank?**

Sen. Lisa Murkowski (R-Alaska) told the Alaska press November 15 that she will attempt to retain her position as ranking Republican on the Senate Energy Committee during the next Congress. That assumes she wins re-election to her Senate seat. She was defeated in a Republican primary by Joe Allen, but then ran as a write-in candidate. Votes are still being tabulated but Murkowski now enjoys a substantial lead. Murkowski told the Alaska press she should retain her seniority because, if she wins in the final tabulation, she effectively never lost her seat. The ranking Republican on the committee holds enormous power over park and rec issues.

**EPA rejects second lead ban.** For the second time this fall EPA rejected November 4 a petition from environmentalists seeking a ban on lead for hunting and fishing, this time for fishing tackle. In August EPA rejected the petition's request that the federal government ban lead in ammunition. In the fishing tackle rejection EPA said the petitioners didn't meet a requirement of the Toxic Substances Control Act that they demonstrate such a ban would be the "least burdensome alternative" to protect the health of the nation. In a letter to petitioner Michael Fry, director of conservation advocacy of the American Bird Conservancy, Assistant EPA Administrator Stephen A. Owens said federal agencies and states in a number of instances have acted to ban lead use. "The emergence of these programs and activities over the past decade calls into question whether the broad rulemaking requested in your petition would be the least burdensome, adequately protection approach," he said. Responded Fry, "The EPA has the clear authority under the Toxic Substances Control Act to regulate lead in any way it sees fit and it is not up to the petitioners to formulate the 'least burdensome' regulation. The scientific data in the petition demonstrated the need for regulation to prevent poisoning of wildlife, and it is up to the EPA to formulate the proper regulations."

#### **Michelle Obama favors parks.**

First Lady Michelle Obama sent state and local park and rec officials a video message November 4 noting the value of their facilities in getting children active. Obama's message to the 7,000 people attending the National Recreation and Park Association (NRPA) said, "Together you help promote and run nearly 105,000 parks and recreation areas in every corner of this country. All of you share a commitment to helping every American live healthy, active lives. As the people behind our nation's parks and rec centers, you can have an enormous impact when it comes to helping our kids stay active and eat healthy." Mrs. Obama has created a signature Let's Move! Campaign to urge the nation's youth to exercise. NRPA held its annual meeting in Minneapolis.

## Boxscore of Legislation

<u>LEGISLATION</u>	<u>STATUS</u>	<u>COMMENT</u>
<b>Appropriations 2011 (Interior)</b> No bill number yet	House subcommittee approved July 22.	Would roughly maintain FY 2010 spending with some increase for LWCF.
<b>Appropriations fiscal 2011 (Energy and water)</b> No House bill yet S 3635 (Dorgan)	House subcommittee approved July 15. Senate committee approved July 22.	Would roughly maintain FY 2010 spending.
<b>Appropriations fiscal 2011 (Agriculture)</b> No bill number yet S 3606 (Kohl)	House subcommittee approved June 30. Senate committee approved July 15.	Would reduce spending somewhat compared to FY 2010.
<b>Appropriations fiscal 2011 (Transportation)</b> HR 5850 (Olver) S 3644 (Murray)	House approved July 29. Senate committee approved July 22.	House would increase spending somewhat, Senate would maintain status quo.
<b>Appropriations Stimulus</b> HR 1 (Obey)	President Obama signed into law Feb. 17, 2009, as PL 111-5.	Allocates some \$4 billion to federal land management agencies to help revive the economy.
<b>LWCF revival</b> HR 3534 (Rahall) S 2747 (Bingaman) S 3663 (Reid)	House approved July 30. Bingaman put in Nov. 6, 2009. Reid introduced July 28.	All would guarantee full funding of \$900M per year. All depend on energy legislation.
<b>UPAR revival</b> HR 3734 (Sires)	Sires introduced Oct. 6, 2009.	Would establish \$445 million urban park grant program in HUD.
<b>Omnibus Lands Bill</b> S 22 (Bingaman) HR 146 (Holt)	President signed into law March 30, 2009, as PL 111-11.	Includes 160+ individual bills, including NLCS, new national parks.
<b>National Landscape Conservation System</b> HR 404 (Grijalva) S 22 (previous item)	Included in omnibus law (previous item.)	Gives NLCS official designation by Congress.
<b>California Desert protection</b> S 2921 (Feinstein)	Senate committee hearing May 20.	Would establish monument to protect 1 million acres of BLM-managed desert.
<b>Grand Canyon withdrawal</b> HR 644 (Grijalva)	House subcommittee hearing July 21, 2009.	Would withdraw 1 million acres of federal land near Grand Canyon NP to prevent uranium mining.
<b>Surface Transportation</b> HR 1329 (Blumenauer) S 575 (Carper) S 1036 (Rockefeller) Unnumbered (Oberstar)	Blumenauer put in March 5, 2009. Carper put in March 11, 2009. Rockefeller put in May 12, 2009. House subcommittee approved Oberstar bill June 24, 2009.	Blumenauer would establish a piece of a surface transportation law with climate change money. Rockefeller would establish broad goals for law. Oberstar would extend outdoor programs for six years.
<b>FLREA (rec fee law) repeal</b> S 868 (Baucus)	Baucus introduced April 22, 2009.	Would repeal the comprehensive federal rec fee law.
<b>Fire suppression</b> HR 1404 (Rahall) S 561 (Bingaman)	Included in Interior money bill above.	Establishes an emergency fire-fighting fund to limit agency borrowing.
<b>Ski area uses</b> S 607 (M. Udall)	Udall introduced March 17, 2009.	Would specify that ski resorts on national forest land may allow non-skiing recreation uses.
<b>Weapons in parks</b> HR 1684 (Hastings)	President Obama signed into	Directs Interior to allow concealed