

# Federal Parks & Recreation

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## Congress runs out of time on approps; GOP asks freeze

President Bush signed into law September 29 a temporary spending bill (PL 110-92) that will keep agencies in money from the beginning of fiscal year 2008 on October 1 until November 16.

President Bush and Congressional Republicans made it clear they would be perfectly happy if the Democratic majority reached gridlock on domestic appropriations bills throughout fiscal 2008 and was forced to extend fiscal 2007 spending levels. That would head off big new increases in park and rec spending that the House and Senate Appropriations Committee have approved.

President Bush September 24 in a speech to business leaders recommended that Congress write individual money bills and send them to him one-by-one, a near political impossibility. And he rejected the notion of an omnibus, 12-bill appropriations measure. "If they think that by waiting until just before they leave for the year to send me a bill that is way over budget and thicker than a phone book, if they think that's going to force me to sign it, it's not," he said.

Espousing the same philosophy as the President, 41 House Republicans and 15 Senate Republicans introduced legislation September 19 that would freeze spending in fiscal year 2008 at fiscal 2007 levels (HR 3583, S 2070.)

Such a freeze would prevent Democrats from increasing spending in fiscal 2008, as they have proposed. The freeze would last until Congress completed individual spending bills.

Rep. Jeb Hensarling (R-Texas), lead sponsor of the House bill, attacked. "Despite promises of fiscal responsibility, Democrats have spent the

year wastefully spending taxpayers' money," he said. He painted his bill as a middle ground designed to prevent a shutdown of government services.

"What we are offering today is a compromise that we hope can bring Democrats, who want a huge increase in spending, and conservatives, who want more accountable Washington spending, together," he said. "Any member of Congress who honestly wants to avoid a government shutdown should support this bill."

Sen. Jim DeMint (R-S.C.) is the lead sponsor of the Senate bill, which includes among its cosponsors Senate Minority Leader Mitch McConnell (R-Ky.) and Sen. Larry Craig (R-Idaho), ranking Republican on the Senate subcommittee on Interior appropriations.

Domestic appropriations bills are trapped between the desire of the new Democratic majority in Congress to reward its backers with significant programmatic spending increases and the Bush administration's desire to limit domestic spending. The main hang-up is the Senate floor where the filibuster allows the Republican minority to prevent appropriations bills from being considered.

The administration objects to the Interior bill because it would increase spending far above President Bush's request. The House approved its version of an Interior bill (HR 2634) June 27 with \$2 billion more than the President recommended, \$27.6 billion compared to a request of \$25.6 billion. The Senate Appropriations Committee approved a counterpart to HR 2634 (S 1696) June 21 with \$1.5 billion more than the administration request.

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

crease Corps spending by \$577 million above the administration request.

Finally, the Senate approved a Transportation appropriations bill (HR 3074) September 12 that the Office of Management and Budget says exceeds the administration request by \$3.1 billion. The House approved its version of HR 3074 July 24.

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

The House approved the temporary spending bill (HJ Res 52) September 26 and the Senate followed suit September 27.

## **House Republicans attack NHAs, but to little avail**

The House Natural Resources Committee September 26 approved an ambitious national heritage areas (NHAs) bill, but not without a major protest from Republican members.

The measure would increase federal spending for nine existing NHAs, establish six new NHAs and establish national standards for future NHAs, including the ones in the bill.

Although the committee approved the legislation by an overwhelming 23-to-12 margin, Republican members charged the measure is excessively expensive and fails to protect private property. The Republican protest spells trouble for the bill when it reaches the House floor and, particularly, if it reaches the Senate floor and any senator chooses to filibuster.

HR 1483, introduced originally by Rep. Ralph Regula (R-Ohio), would in-

crease the spending cap on nine NHAs from \$10 million to \$15 million. (See list of areas affected below.)

In addition the bill would establish six new NHAs: Journey Through Hallowed Ground NHA in Pennsylvania, Maryland, West Virginia and Virginia (HR 319); Niagara Falls NHA in New York (HR 713); Mucslle Shoals NHA in Alabama (HR 1145); Freedom's Way NHA in Massachusetts and New Hampshire (HR 1297); Abraham Lincoln NHA in Illinois (HR 1625); and Santa Cruz Valley NHA in Arizona (HR 1885.)

Led by Rep. Rob Bishop (R-Utah), ranking Republican on the House subcommittee on National Parks, the Republican critics offered a major amendment that would allow any landowner within an NHA to opt out of any management restraint imposed by NHA managers.

"This does not require everyone being contacted," said Bishop, "It simply requires that, if any property is going to be used for preservation or conservation management, the property owner has the right to be notified before that use takes place. That property owner should have the right to withdraw his property if the use does not meet with his particular needs at that particular time."

But the chairman of the Parks subcommittee, Raúl Grijalva (D-N.M.), said the bill already offers private property protections. It includes a willing seller requirement, among other things. "The protections we are talking about I think not only are they sufficient but there has been a considerable effort made to insure that heritage areas are not going to impinge on private property rights and I think those protections are abundant in the substitute," said Grijalva. He said the bill includes language to protect private property that Congress has included in numerous other NHA bills in recent years.

Bishop also complained of the price tag: "What makes it worse these heritage areas have not only fallen out of the sky but have fallen into a finan-

cial windfall because, whereas the original bill only has a request for \$10 million, for some inexplicable reason we are giving these new heritage areas a \$5 million bonus for a total compensation of \$15 million, which makes us one generous committee. The total cost of this overall bill is now up to \$135 million."

But Rep. Wayne Gilchrest (R-Md.) defended the investment. "The dollars issue and the property rights issue have been debated and discussed and in my mind resolved through the subcommittee and full committee. . .," he said. "The small paltry pittance we are trying to produce today in this place has the potential to be enormously positive in increasing an understanding so young people can have more initiative and ingenuity."

The Senate is also moving on NHAs. The Senate Energy Committee September 18 cleared for Senate action legislation to establish the national NHA program, as well as a half-dozen individual NHA bills.

The Senate committee action consisted of filing committee reports that sum up the need for legislation. Among the bills the committee has readied for Senate floor action are a measure (S 278) that would establish national standards and a national policy.

The Bush administration has long demanded that Congress establish such national standards before approving individual NHAs. When the Senate and House committees have held hearings on individual bills, Park Service witnesses have recommended that Congress approve a national bill before moving individual bills.

So now both the Senate and House committees have approved the national standards bill that has been introduced over the years by the late Sen. Craig Thomas (R-Wyo.) The House committee said all NHAs in HR 1483 conform to the national standards bill.

The five individual NHA bills approved by the Senate committee would designate an Abraham Lincoln NHA, S 955;

Journey Through Hallowed Ground NHA, S 289; Niagara Falls NHA, S 800; Sangre de Cristo NHA in Colorado, S 443; and a South Park NHA in Colorado. The first three were also passed by the House committee.

The House bill would extend and increase spending for a National Coal Heritage Area in West Virginia, the Tennessee Civil War Heritage Area, the Augusta Canal National Heritage Area in Georgia, the Steel Industry American Heritage Area in Pennsylvania, the Essex National Heritage Area 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 National Heritage Area in New York.

Sen. George Voinovich (R-Ohio) has introduced a counterpart bill (S 817) to extend the life of the nine NHAs. The Senate committee has not acted on it yet.

## **Did House panel end challenge to NPS Centennial money?**

The sponsors of House legislation (HR 3094) to provide \$1 billion to prepare the National Park System for its 2016 centennial may have caught a break last week in the House Natural Resources Committee.

The panel approved legislation to assist counties hampered by the presence of federal lands within their borders, but did NOT use the same source of money ticketed for the Centennial Challenge bill - commercial fees on federal lands. An earlier version of the bill would have done so. Instead the chief sponsor of the so-called Secure Rural Schools bill (HR 3058), Rep. Peter DeFazio (D-Ore.), decided to tap oil and gas royalties.

That may leave the sponsors of the Centennial Challenge bill - House Natural Resources Committee Nick Joe Rahall (D-W.Va.) and House subcommittee on National Parks Chairman Raúl Grijalva (D-N.M.) - free to use the commercial

fees to pay for the Centennial Challenge, if they so choose.

But Rahall and Grijalva may turn to other sources of money because the Bush administration will very likely oppose any new fees on their allies in the oil and gas, hard rock mining, timber and grazing industries.

Although the idea of a Centennial Challenge program to fix up the national parks came from the Bush administration, the Rahall-Grijalva bill will likely take the lead in Congress. The administration proposal (S 1253, HR 2959) would have Congress establish a \$1 billion fund in the budget to be matched by up to \$1 billion in partnership grants, for a total of \$2 billion.

Senate Energy Committee Chairman Jeff Bingaman (D-N.M.) has introduced the administration bill by request and Reps. Rob Bishop (R-Utah) and Don Young (R-Alaska) have introduced a House version.

Meanwhile, a diverse coalition of interest groups is submitting recommendations to the House committee on the substance of the Rahall-Grijalva bill. The coalition would minimize the amount of money spent on brick-and-mortar projects, encourage Park Service-wide and area-wide projects, encourage partnerships, provide small parks a piece of the pie, open the way for area-wide projects and allow concessioners to participate in partnership projects.

The 35 interest groups include, alphabetically, the American Recreation Coalition, the National Parks Conservation Association (NPCA), the National Recreation Park Association, the Outdoor Industry Association and The Wilderness Society. Craig Obey, vice president for Government Affairs for NPCA, is acting as the lead signatory.

The coalition is waiting for the Rural Schools funding strategy to play out before recommending a source of money to pay for HR 3094. "The bottom line is until we get a clarification on Rural Schools using oil royalties money we are not going to trot out possible

sources of money and let the hungry dog (other legislation) eat from our dish," said Derrick Crandall, president of the American Recreation Coalition.

But if the House committee does proceed with the federal land commercial fees idea, the interest groups recommend that certain conservation lands be exempted, including the National Landscape Conservation System managed by the Bureau of Land Management (BLM), wildlife refuges and potential BLM wilderness areas. The coalition added, "We also encourage the committee to exclude from new or fee increases any concessions/permits that would increase fees for recreational services on federally managed lands."

The Rahall-Grijalva bill, as introduced, would allocate 30 percent of revenue to capital improvement, 30 percent to education in the parks, 10 percent to diversity in the parks, 10 percent to professional development of employees, 10 percent to environmental leadership and 10 percent to natural resource protection. The committee is expected to mark up the bill later this month.

## **Yellowstone approves snow machine EIS with changes**

The Park Service managed to infuriate virtually all interested parties September 24 when it proposed major compromises in a snowmobile plan for Yellowstone National Park.

In releasing a final EIS September 24 NPS said it would:

- \* defer the implementation of a final new policy until the winter of 2008-2009, leaving the existing level of snowmobile use in Yellowstone capped at 720 machines per day for this winter of 2007-2008 (NPS had earlier planned to implement the final policy this winter),

- \* decrease the cap on snowmobile use in Yellowstone from 720 to 540 machines when the new policy kicks in during the 2008-2009 winter.

Snowmobile advocates were furious.

Environmentalists were furious. Sen. Mike Enzi (R-Wyo.) was furious. And Gov. Dave Freudenthal (D-Wyo.) was "disappointed."

For this winter the Park Service proposed an extension of a winter use policy that has been in effect for the last three winters for Yellowstone, Grand Teton National Park and the John D. Rockefeller, Jr., Memorial Parkway.

That is, up to 720 machines a day will be allowed in Yellowstone and 140 per day in Grand Teton National Park and the John D. Rockefeller, Jr., Memorial Parkway. NPS would also limit the number of snowcoaches in Yellowstone to 78 per day. Snowcoaches would not be required in Grand Teton and the John D. Rockefeller parkway.

Beginning in the winter of 2008-2009 NPS would allow 540 snowmobiles per day in Yellowstone and 83 snowcoaches. All snowmobiles and snowcoaches would have to use best available technology. All snowmobiles would have to be led by commercial guides.

NPS would allow 65 snowmobiles per day in Grand Teton and the parkway, down from 78 now. In addition NPS would discontinue grooming (effectively blocking snowmobile use) on a stretch of the Continental Divide Snowmobile Trail between Moran Junction and Flagg Ranch.

The final EIS does not represent a final decision by NPS. That won't be made until early November, followed by a regulation to implement the decision, so NPS still has time to accommodate its critics. Even though NPS would like to extend its interim policy through this coming winter, it still must complete the new regulation before the season begins December 19.

The big question now is, who will sue? Litigation has dogged NPS's snowmobile policy for the Wyoming parks beginning in the Clinton administration. The snowmobile industry then persuaded a federal judge in Wyoming to block a Clinton plan to eliminate snowmobiles altogether in the parks. Then environmentalists persuaded a federal judge in

Washington, D.C., to block a Bush administration plan to maintain snowmobile use. Finally, Congress entered the picture the last three winters to forbid the courts from blocking interim NPS rules.

Snowmobile advocates hinted strongly last week they would sue. "(W)e are very disappointed by the level and nature of the access outlined in the FEIS preferred alternative," said Jack Welch, president of the BlueRibbon Coalition. "We maintain ample reserves for the coming fight, which we deem unfortunate but inevitable, over this issue."

Environmentalists laid out their own *casus belli*. The Greater Yellowstone Coalition and other groups said the preferred NPS alternative in the EIS (the new plan) violates Park Service management Policies adopted last year. "Yellowstone's winter use policy has been widely cited as a first major application of the new policies and test of the Administration's commitment to uphold them," said the coalition.

The Greater Yellowstone Coalition then itemized violations it sees in the FEIS, including failure to follow good science, failure to listen to EPA complaints, failure to protect wildlife, violation of the Clean Air Act, and failure to listen to the public's objections to noise in the park.

Sen. Enzi and Gov. Freudenthal blasted an NPS proposal to close the east entrance of the park through Sylvan Gate to motorized transportation beginning in the winter of 2008-2009. Said Enzi, "The Park Service appears hell-bent on closing Yellowstone in winter. They have steadily and strategically worked toward this goal for years. Unfortunately for the people of Wyoming, the Park Service is going where they intended all along."

But NPS said in a news release the expense and risk of avalanches in the eastern sector of the park argues against keeping the gate open. "The National Park Service has determined it is an unacceptable risk to use the howitzer like we have in the past or to

continue use of the helicopter as we have in the past for avalanche control over a recreational transportation corridor that has historically been utilized by no more than 5,000 people a winter," said NPS.

Gov. Freudenthal countered, "The Park Service has made this decision even though their own studies show that avalanche risks can be safely and affordably mitigated."

The Final EIS is at: <http://parkplanning.nps.gov/documentsList.cfm?parkId=111&projectId=12047>.

## **Congress finally approves WRDA/Everglades bill; veto?**

The Senate joined the House September 24 in approving a 2007 Water Resources Development Act (WRDA) by a veto-proof margin, 81-to-12. The House approved the bill (HR 1495) August 1 by a veto-proof 381-to-40 vote.

Still, if President Bush vetoes the measure, some Republicans may be persuaded to change their vote and oppose the bill.

Sen. James Inhofe (R-Okla.), ranking Republican on the Senate Environment and Public Works Committee, supports the bill. He warned that the 81-to-12 vote "sends a clear message to the President: don't veto this critically important infrastructure bill." Inhofe calls himself "the most fiscally conservative member of the United States Senate."

Senate committee chairman Barbara Boxer (D-Calif.) said, "If the President chooses to veto the bill, as he has threatened to do, we are committed - on a bipartisan basis - to move to override his veto."

The Heritage Foundation among others disagrees and is urging Bush to veto the bill to set an example for appropriations bills to come. "With a showdown looming between Congress and the White House over appropriations bills, a veto of WRDA would send an important signal: True fiscal responsi-

bility requires spending discipline on every piece of legislation, not just the 12 annual spending bills," said the foundation. The statement was put out under the names of Nicola Moore and Alison Acosta Fraser, foundation staff members.

The Office of Management and Budget told both the House and Senate before HR 1495 went to conference the Bush administration opposed the legislation because of its \$15 billion price tag.

The WRDA bill would authorize almost \$900 million of federal money for the first two major construction projects under a Comprehensive Everglades Restoration Project (CERP.)

Other park and rec areas besides Everglades National Park would get help from the bill. The measure would authorize a demonstration project to test the benefits of enhanced recreation facilities in Corps of Engineers lake projects in Oklahoma.

And the bill would make a down payment on a massive project to convert the Los Angeles River from a cement ditch to enhanced parkland in Los Angeles. The bill would provide \$25 million for a study and for pilot projects.

In addition the bill would authorize dozens, if not hundreds, of water projects around the country with recreation implications. All told the bill would pre-authorize \$15 billion in projects. However, Congress would have to appropriate money in a separate step to actually pay for work on the projects there.

The conferees did NOT include in HR 1495 authority for the Corps of Engineers to charge entrance fees to recreation areas.

EVERGLADES: HR 1495 would authorize a \$1.365 billion Indian River Lagoon project, with half of the money - \$682.5 million - coming from the feds and half from the State of Florida. It would also authorize a \$375 million Picayune Strand project with half the money - \$187.5 million - provided by the

feds and half by the State of Florida.

Once the payments were authorized by WRDA, Congressional appropriators would still have to put up money for the Picayune Strand and the Indian River.

The Indian River Lagoon and Picayune Strand projects are part of the CERP enacted in a WRDA bill in 2000. The two projects are the first of a dozen that Congress must authorize separately if the \$8 billion CERP is to be implemented.

CORPS ENTRANCE FEES: HR 1495 would NOT authorize the Corps to collect entrance fees. The Corps presently collects use fees at its 4,300 recreation areas in 43 states, but is not allowed to collect entrance fees. The White House says Congress must appropriate \$267 million per year in recreation management money for the Corps.

According to Congressional staff, House and Senate PAYGO rules require legislation to offset expenditures with income, and the sponsors were unable to come up with offsets.

The administration proposal would have allowed the agency to retain all revenues above \$37 million - about \$10 million in fiscal year 2007 - for use at the facilities that collected the money.

OKLAHOMA LAKES: The Oklahoma Lakes provision, sponsored by Inhofe, would enlist private enterprise in expanding recreational opportunities on Corps of Engineers facilities. It would build on an existing program that was designed to expand recreation opportunities in Skiatook Lake in northeast Oklahoma.

Inhofe's proposal would extend the Skiatook Lake initiative to all Corps of Engineers lakes in Oklahoma. The provision is open-ended. It does not specify a spending authorization. Nor does it specify what activities public-private partnerships can undertake.

The provision simply says that one year after enactment the Corps will undertake a demonstration lakes program that will "pursue strategies that will

enhance, to the maximum extent practicable, recreation experiences at the lakes included in the program."

LOS ANGELES RIVER PARK: HR 1495 would provide a \$25 million down payment on a huge project to convert the 32-mile Los Angeles River from a giant concrete ditch to a giant park and rec area. Provision sponsor Boxer said the money would be used not only for a joint Corps of Engineers-Los Angeles city study, but also for "initial demonstration projects."

The city of Los Angeles approved in May a sweeping plan to reclaim the river. City officials expect the \$2 billion Los Angeles River Revitalization Plan will be financed by a combination of federal funds, state bonds, local government contributions and private money.

## **Safe Routes to School program is praised and questioned**

Backers of a Safe Routes to School (SRTS) program told a House subcommittee October 2 that the program is now providing assistance to 700 schools around the country.

The Safe Routes to School National Partnership's State of the States report, presented to the subcommittee, also said 31 states have identified projects and 11 more states are almost ready to identify projects.

The report drew praise from House Transportation Committee chairman James Oberstar (D-Minn.) at a hearing of the House subcommittee on Highways. "It is never easy to get a new federal program off the ground," he said. "Yet so early in the development of SRTS, the program has already made incredible strides. Approximately \$100 million of federal funds has been committed to SRTS projects."

But the ranking Democrat on the committee, Rep. John Mica (R-Fla.), said he was not so sure the large amount of money Congress had set aside for the program - \$612 million - was worth it.

"In fiscal year 2009 the Safe Routes to School Program will receive \$183 million," said Mica. "In that same year we allocate only \$90 million for highway improvements on high risk rural roads and we set aside only \$100 million for emergency highway repairs to respond to natural disasters and disasters like the collapse of the I-35 bridge in Minnesota."

He went on, "I think the Safe Routes to School program is a worthwhile program, but we need to make sure that we don't shortchange other programs that could save even more lives."

SRTS is financed through fiscal year 2009 by Section 1404 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). That law allocated for the program \$54 million in fiscal 2005, \$100 million in fiscal 2006, \$125 million in fiscal 2007, \$150 million in fiscal 2008 (this fiscal year) and \$183 million in fiscal 2009.

Mica's objections and Oberstar's praise are particularly important because SRTS and SAFETEA-LU come up for renewal during fiscal 2009.

Under SAFETEA-LU Congress based each state's share of SRTS grant money (100 percent federal) on the number of primary and secondary schools in a state. Each state is to receive at least \$1 million per year.

The money is to be used for projects related to school safety, including on- and off-street bicycle facilities. As bicyclists, joggers and pedestrians know, residential highways near schools are increasingly bereft of sidewalks, particularly in new suburbs. Thus, the Safe-Routes-to-School program will also benefit recreation.

According to the League of American Bicyclists, the number of children who walked or biked to school over the last 30 years declined from 71 percent to 18 percent. Two-thirds of elementary school children get there by car.

The League said the consequences

are clear: More than three times as many children are overweight. More than 33 percent of high school age kids don't exercise. Some 20 percent of morning rush hour traffic comes from parents driving children to work.

The Federal Highway Administration apportions the money to states for redistribution to state agencies, plus "local and regional agencies, including nonprofit organizations, that demonstrate an ability to meet the requirements of this section."

The law (in a big mouthful) says the money "may be used for the planning, design, and construction of infrastructure-related projects that will substantially improve the ability of students to walk and bicycle to school, including sidewalk improvements, traffic calming and speed reduction improvements, pedestrian and bicycle crossing improvements, on-street bicycle facilities, off-street bicycle and pedestrian facilities, secure bicycle parking facilities, and traffic diversion improvements in the vicinity of schools."

## **Federal lands ORV battle focuses on Utah's Moab area**

As federal agencies map out routes for motorized vehicles around the country, environmentalists and off-highway vehicle (OHV) users are girding for battle over one high stakes site - the Moab area of Utah.

The Bureau of Land Management (BLM) completed last week an initial round of public hearings on a proposed new travel management plan for the Moab area that is supposed to designate trails that are available to OHVs and that are off-limits to OHVs.

Environmentalists, as represented by the Southern Utah Wilderness Alliance (SUWA), complain that the proposed Moab plan of August 24 would allow OHVs on wilderness quality lands. "BLM proposes to designate 2,642 miles of ORV routes, many on lands within America's Red Rock Wilderness Act and which BLM previously recognized as wilderness-quality," SUWA told its supporters in a bulletin.

(To be accurate the Red Rock Wilderness Act has not moved in Congress. The legislation, to designate more than 9 million acres of wilderness in the state, was introduced by Sen. Richard Durbin (D-Ill.) as S 1170 and by Rep. Maurice Hinchey (D-N.Y.) as HR 1919. So much of the potential wilderness identified therein enjoys no special protective designation, yet.)

OHV users, as represented by the BlueRibbon Coalition, will probably demand that much more than 2,642 miles of ORV routes be designated and that far less than 2,500 miles of existing roads be closed down. For instance BLM has proposed alternatives that would open from 1,600 to 3,000 acres of the popular White Wash sand dunes to motorized vehicles.

"We think there will be a very contentious question about whether the White Wash should be open and how large an area should be open," said Brian Hawthorne, public lands director for the BlueRibbon Coalition. "We think it's too limited an area (in all BLM alternatives.) We want much more than the 3,000 acres. Of course SUWA won't want any of it open."

Hawthorne described the significance of the Moab area: "I think it's most important because it is such a destination. It gets a million visitors each year for all kinds of uses - ORVs, off-trail bikes, cliff jumpers (with parachutes of course), river runners. That's why it eclipses all others."

BLM laid out a set of documents including a resource management plan to set general policy for the 1.8 million-acre Moab area, a travel management plan to designate specific roads and trails, and an EIS. Comment by November 24 to: *RMP Comments, Moab Field Office, Bureau of Land Management, 82 East Dogwood, Moab, UT 84532* or by E-mail to: [UT\\_Moab\\_Comments@blm.gov](mailto:UT_Moab_Comments@blm.gov).

The proposed Moab management plan and travel plan are also important because they are the first from the Utah BLM. Eventually, BLM offices in Utah will prepare travel management plans for

11 million acres of public land in eastern Idaho. The travel management plans are part of a national BLM initiative to designate ORV trails and to categorize roads.

The Forest Service is working on a parallel initiative and intends to complete travel management plans for all forests within the next few years. The service has completed plans for a dozen forests.

On October 1 it announced it was preparing two more - one that would provide 2,487 miles of motorized recreational trails in the Bitterroot National Forest in Montana and one for Inyo National Forest in California.

### **Senate committee moves conservation tax credit bill**

The Senate Finance Committee approved legislation a fortnight ago that would extend indefinitely tax incentives to encourage landowners to provide conservation easements to their land.

Although the unnumbered bill was approved unanimously by voice vote, trouble may lurk ahead. Ranking committee Republican Charles Grassley (R-Iowa) proposed an amendment that would have required the Treasury Department to pre-approve all easement donations. However, Grassley did not offer the amendment in committee. Oddly, he is an original cosponsor of the legislation.

In the September 20 action the committee approved a comprehensive Habitat and Land Conservation Act of 2007 that picked up bits and pieces of several other bills, including the conservation easements bill (S 469.) The conservation easements bill was introduced by Grassley and Senate Finance Committee Chairman Max Baucus (D-Mont.)

Just last August 17 President Bush signed a law (PL 109-280) that established the tax incentives as a temporary program. That ends this December. Thus, the push to make the incentives semi-permanent.

Interest groups such as the Land

Trust Alliance speculate that Baucus may try to move the bill by itself to the Senate floor or attach it to other legislation due before the Senate shortly, such as a farm bill or tax legislation.

Reps. Mike Thompson (D-Calif.) and Dave Camp (R-Mich.) have introduced a counterpart bill (HR 1576) in the House but it has not moved yet.

The new law that the legislators would like to extend authorizes a landowner to claim tax deductions for conservation easements from five to 15 years. It increases the conservation tax deduction limit from 30 percent of a donor's income to 50 percent and it allows farmers to deduct 100 percent.

S 469 and the Senate committee bills identify the provisions of the temporary law and say "this section shall apply to contributions made in taxable years beginning after the date of the enactment of this Act." Thus the bills would make the provisions permanent.

The Bush administration is on board. In an administration bulletin called Cooperative Conservation News it said, "Permanent extension of the benefits will allow time for the education and outreach necessary to build awareness and acceptance of conservation easements and will provide legal certainty for those wishing to undertake long term projects."

Farmers also support the legislation. The National Cattlemen's Beef Association signed on to a letter to the Senate committee from conservation groups that says, "This provision has immense potential to help private landowners keep agricultural lands in productive use, protect important fish and wildlife habitats, and conserve our scenic and historic heritage in your state and across America."

### **NPS air tour plans may not be needed in new FAA organic act**

In cooperation with the Bush administration, the House and Senate are developing legislation that would elimi-

nate the need for National Park Service units to write plans to accommodate flights over their borders.

In addition a House-passed bill (HR 2881) would allow parks with fewer than 50 overflights a year to forego the plan. A bill passed by the Senate Commerce Committee (S 1300) would allow parks with fewer than 100 flights to forego a plan.

Instead of reaching agreement with air tour companies under plans, both bills would allow parks to negotiate "voluntary agreements" directly with the companies. The voluntary agreements would have to meet the approval of the Federal Aviation Administration (FAA) and the Interior Department.

Says the House-passed bill, "A voluntary agreement under this paragraph with respect to commercial air tour operations over a national park shall address the management issues necessary to protect the resources of such park and visitor use of such park without compromising aviation safety or the air traffic control system. . ."

The new provisions are included in comprehensive bills to reauthorize FAA operations. The House passed its bill September 20 and the Senate Commerce Committee approved its bill August 3. However, the House took a little pressure off the need to pass the legislation September 24 by passing a bill (HR 3540) to extend the existing FAA authorization through December.

In the seven years since Congress directed the FAA and NPS to write air tour management plans for all national parks that have received applications for overflights, none have been completed. Blame is placed on everything from the September 11 terrorist attacks to lack of money from Congress to inter-agency squabbling.

Congress wrote the National Parks Air Tour Management Act of 2000 (PL 106-181 April 5, 2000), to guide the FAA and NPS in coping with ever-larger numbers of air tours over the national parks, and in reaction to high-profile acci-

dents. FAA says it has received applications to fly over more than 100 national parks and six tribal lands from 91 different air tour operators.

The act exempted Grand Canyon National Park and parks or tribal lands in the state of Alaska because a separate law guides them. The act also prohibits air tours over Rocky Mountain National Park.

## **WGA asks Baucus for more fire fighting, prevention money**

The Western Governors Association (WGA) last month asked Congress to establish two separate fire-fighting funds - one to pay for suppressing fires and one to pay for avoiding fires.

The governors submitted their recommendation to Sen. Max Baucus (D-Mont.), who has introduced legislation (S 1770) to establish an \$800 million emergency fire-fighting trust. Baucus chairs the Senate Finance Committee and is in position to influence the possible allocation of tax money to fire funds.

The western governors, under the lead of WGA chairman and Wyoming Gov. Dave Freudenthal (D), told Baucus, "A new federal wildfire suppression funding mechanism is needed to enable critical investments in forest health, fuels management and preparedness activities that make our communities safer."

In a September 21 letter the WGA said Baucus's bill is a good start for the immediate future, but "it does not provide a solution to the long-term budget problem."

The WGA says one part of a new "mechanism" should pay for putting out emergency fires. It also called for a second mechanism to prevent fires. "Congress must recognize that additional investments in the United States Forest Service and the Department of the Interior budgets, separate from the emergency suppression needs, is key to the long-term budget solution," said the governors.

However, the governors did not

propose a source of money for their mechanisms. "That hasn't been decided yet," said Caitlyn Peel, government affairs director for the Council of Western State Foresters. "The details are a work in progress. The Baucus bill is a good step. It has started the conversation."

Under existing practice money bills pay emergency fire fighting costs out of routine appropriations for the Forest Service and the Interior Department. Because of an explosion in expensive fires and in fire-fighting costs, suppression has begun to eat up close to 50 percent of the Forest Service budget, often to the detriment of recreation programs.

Former Forest Service chiefs have complained to Congress that the increasing portion of the service budget being devoted to fire fighting is eating into line operations. Signing an undated letter to Congress earlier this year were former chiefs R. Max Peterson, F. Dale Robertson, Jack Ward Thomas, Michael P. Dombeck and Dale N. Bosworth.

Senate Energy Committee Jeff Bingaman (D-N.M.) is considering introduction of legislation that would establish a separate emergency fire fighting account in annual appropriations bill. Fire fighting would have its own heading inserted into appropriations bills outside Interior and the Forest Service.

But that would still require Congress to take the fire money out of existing appropriations. The WGA may be looking for a whole new off-budget account, or accounts, to pay the bills.

The Baucus bill would also rely on appropriations to establish a \$200 million fund to pay Interior Department emergency fire suppression costs and a \$600 million fund to pay Forest Service emergency fire suppression costs.

For fiscal year 2008 the Senate Appropriations Committee June 21 approved a total fire fighting appropriation for the Forest Service of \$1.982.5 billion, or \$7.5 million more than a June 26 House recommendation of \$1.975

billion and \$113.9 million more than an administration request of \$1.868.6 billion. For the Interior Department the committee approved \$829.5 million, or \$22.9 million more than a House recommendation of \$806.6 million and \$27.7 million more than an administration recommendation of \$801.8 million,

The National Interagency Fire Center (NIFC) reported late this week that more than 8.2 million acres have burned this year, compared to 9.1 million acres at the same time in 2006. The ten-year average for the year is about 5.7 million acres. The fire center reported more than 73,000 fires this year compared to almost 84,000 fires in 2006. For more fire information go to: [http://www.nifc.gov/fire\\_info/nfn.htm](http://www.nifc.gov/fire_info/nfn.htm).

## Notes

**NPS finishes Smoky road EIS.** The Park Service announced October 2 that it has completed an EIS with a preferred alternative that recommends NPS not build a \$600 million road in Great Smoky Mountains National Park. Instead, NPS would simply pay Swain County, N.C., \$52 million as compensation for a federal promise in 1943 to build a 34.3-mile road for access to an area cemetery. The EIS comes as no surprise: NPS had earlier said on May 25 that it had decided not to build the expensive road. The Tennessee and North Carolina Congressional delegations, with the exception of Sen. Richard Burr (R-N.C.), asked NPS not to build the road. The Senate is already out in front of NPS: It approved a fiscal year 2008 Transportation appropriations bill (S 1789) September 12 that would transfer \$6 million Congress had previously approved for the road to begin compensation to the county. In fiscal year 2001 Congress set aside money for NPS to prepare the EIS and lay the groundwork for a road to the cemetery. Three of the senators and 11 of the House members from Tennessee and North Carolina wrote Secretary of Interior Dirk Kempthorne March 28 and asked for his support for a strategy that would lead to a cash payment. Burr did not sign the letter. In the final EIS the Park Service analyzed five alternatives including monetary

compensation, no action and three road construction possibilities.

**BLM NOT implementing rec fees yet.**

The Bureau of Land Management (BLM) September 25 issued an important correction to its September 11 announcement proposing new fees to cover the costs of processing applications for special recreation permits in Colorado. BLM will not begin implementing the new fees October 1, as it said in the announcement. Before it begins implementation BLM will take public comments on its proposal until November 13. If the proposal becomes a regulation and if it is successful, other BLM state offices will adopt it. Under the proposed schedule BLM would charge \$100 to cover its costs for processing new permit applications, \$100 for transfers of permits and \$50 for renewals of expiring permits. BLM already charges use fees of \$90 or three percent of gross revenue, whichever is more. The Colorado BLM manages more than 800 special rec permits for commercial purposes each year. The activities including hunting, fishing, float boating, hiking, biking, horse and jeep tours, hot air ballooning and paragliding. Comment by November 13 to: *Jack Placchi, Bureau of Land Management, Colorado State Office, 2850 Youngfield, Lakewood, CO 80215* or by E-mail to: *jack\_placchi@blm.gov*.

**Admin opposes New Jersey park.**

The Bush administration last week repeated its opposition to the designation of a Paterson Great Falls National Historical Park on 109 acres of land in Paterson, N.J. Daniel N. Wenk, deputy director of NPS, told the Senate subcommittee on National Parks September 27 a new park would cost too much (\$22 million, not counting recurring costs) and would be redundant to existing parks. But Sen. Robert Menendez (D-N.J.) rejected the redundancy charge: "The National Park Service says that Paterson's Great Falls are not a suitable addition to the Park Service because its characteristics are found elsewhere in the National Park System. I could not disagree more strongly. No other site in the nation more richly represents the remarkable transformation of a rural agrarian society based in slavery into a

modern global economy based in freedom." The legislation (S 148, HR 189) would commemorate the beauty and historic role of the 80-foot Great Falls located only 15 miles west of New York City. The bill was introduced by two Paterson residents, Sen. Frank Lautenberg (D-N.J.) and Rep. Bill Pascrell (D-N.J.) President Ford designated the site as a National Historic Landmark in 1976. The House Natural Resources Committee approved HR 189 June 28.

**USDA backs off CRP plan.** The Department of Agriculture (USDA) September 28 said it will not allow farmers to remove land from a conservation reserve program (CRP) this year without penalty. Acting Secretary of Agriculture Chuck Conner recently said the department was contemplating such a release to allow farmers to add more acreage to growing corn to increase ethanol supplies. But after loud complaints from environmentalists and sportsmen Conner changed his mind. Conner said there was ample farming acreage available but warned, "I will continue to closely monitor the acreage response and market conditions. I will not hesitate in the future to make adjustments to USDA programs if needed to achieve balance in the agricultural sector." Ducks Unlimited for one is still concerned. "We expect this to remain an issue as the corn ethanol industry grows," said Scott McLeod, a farm bill specialist for Ducks Unlimited. "We ask the Secretary to carefully consider any decisions that may lead to the loss of CRP habitat."

**GAO: Duck habitat outlook gloomy.**

The Government Accountability Office (GAO) says in a new report the Fish and Wildlife Service (FWS) will need 150 years to reach its goal of protecting 12 million additional acres of wetlands and grasslands for duck habitat. GAO said FWS's record of protection of 3 million acres since the inception of a Small Wetlands Acquisition Program in the 1950s suggests FWS won't soon, if ever, reach its total goal of 15 million acres protected. GAO recommended, "The pace of acquisitions could be increased marginally by using existing funds more efficiently or substantially by providing additional resources." FWS cur-

rently spends about \$17 million per year in acquisitions in the Prairie Pothole Region. FWS said the service could raise more money by increasing Duck Stamp fees or Congress could approve larger appropriations for the Land and Water Conservation Fund. The GAO report, *At the Current Pace of Acquisitions, the U.S. FWS Is Unlikely to Achieve Its Habitat Protection Goals for Migratory Birds*, is available at: [www.gao.gov/cgi-bin/getrpt?GAO-07-1093](http://www.gao.gov/cgi-bin/getrpt?GAO-07-1093).

**Westerners seek fed land for states.** Sen. Orrin Hatch (R-Utah) and 26 House Republicans introduced legislation September 20 that would allow western states to take ownership of five percent of public lands within their borders. Hatch and lead House sponsor Rob Bishop (R-Utah) argued that on statehood for most western states the federal government promised to sell some federal land and provide five percent of the proceeds to states. Hatch and Bishop contend the feds reneged on the deal, leaving state education systems strapped for cash. The legislation (S 2072, HR 3614) would allow states to sell the claimed lands or lease them for energy and mineral development. In that Democrats who have traditionally opposed divestiture of federal lands now control Congress the outlook for the bill is not bright. But the bill does lay down a marker for the future.

## Conference calendar

### OCTOBER

7-11. **National Scenic and Historic Trails** conference in Duluth, Minn. Contact: Gary Werner, Partnership for the National Trails System, [nattrails@aol.com](mailto:nattrails@aol.com), 608-249-7870; Kent L Wimmer, Florida National Scenic Trail Liaison, [kwimmer@fs.fed.us](mailto:kwimmer@fs.fed.us), 850-523-8576, Fax 850-523-8578.

10-12. **Sportfishing Summit** at Sanibel, Island, Fla. Contact: American Sportfishing Association, 225 Reinekers Lane, Suite 420, Alexandria, VA 22314. (703) 519-9691. <http://www.asafishing.org>.

17-19. **RV Park and Campground Investment** conference in McLean, Va. Contact: David Gorin at (703) 448-6863 or go to <http://www.parkinvestmentconference.com>.

### NOVEMBER

7-8. **Western Governors' Association** winter meeting in Tucson, Ariz. Contact: Western Governors' Association, 1515 Cleveland Place, Suite 200, Denver, CO 80202-5114. (303) 623-9378. <http://www.westgov.org>.

11-14. **Council of State Governments** state trends forum in Oklahoma City, Okla. Contact: Council of State Governments, P.O. Box 11910, Lexington, KY 40578. (859) 244-8103. [www.csg.org](http://www.csg.org).

13-17. **National League of Cities** annual Congress of Cities in New Orleans. Contact: National League of Cities, Conference and Seminar Management, 1301 Pennsylvania Avenue, N.W., Washington, DC 20004. (202) 626-3105. <http://www.nlc.org>.

27-29. **Recreation Vehicle Industry Association** annual trade show in Louisville, Ky. Contact: Recreation Vehicle Industry Association, 1896 Preston White Drive, Reston, VA 20195-0999. <http://www.rvia.org>.

## CALENDAR YEAR 2008

### JANUARY

22-24. **National Ski Areas Association** western conference in Snowbird, Utah. Contact: National Ski Areas Association, 131 South Van Gordon St., Suite 300, Lakewood, CO 80228. (303) 987-1111. <http://www.nsaa.org>.

23-25. **U.S. Conference of Mayors** winter meeting in Washington, D.C. Contact: U.S. Conference of Mayors, 1620 I St., N.W., Fourth Floor, Washington, D.C. 20006. (202) 293-7330. <http://www.usmayors.org>.

23-26. **Outdoor Retailer Winter Market** in Salt Lake City. Contact: Outdoor Retailer, 310 Broadway, Laguna Beach, CA 92651. (949) 376-8155. <http://www.outdoorretailer.com>.