

Federal Parks & Recreation

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Volume 23 Number 2, January 28, 2005

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Bill to boost fed land rec in the works; Hill consulted

A coalition of recreation interests is asking Congress and the Bush administration to support broad legislation that would boost recreation on the nation's public lands and waters. They may be gaining traction.

Among many other things the Federal Recreation Policy Act could lead indirectly to the use of private money to help pay for operation of rec facilities. The draft bill, obtained by *FPR*, lists as an issue of interest the use of private money to pay for "campgrounds, marinas and other recreation facilities." It also lists as an issue of interest partnerships with nonfederal entities, including corporations, conducting "day-to-day operation of areas and facilities."

The effort is reportedly being led by the American Recreation Coalition, which represents both the recreation industry and recreationists; and William Horn, a prominent attorney for the powered recreation industry. They are consulting with such groups as the Outdoor Industry of America, which represents the non-powered recreation industry, and the American Hiking Society. We contacted representatives of several of the groups but none were willing to go on the record because competing interests were still negotiating details of a bill.

The organizations have drafted a version of the ambitious legislation and are circulating it in federal agencies and on Capitol Hill. A House Resources Committee staff member confirmed that the organizations have met with committee staff and that the committee is interested.

"It's something the committee is looking at," said the staff member. "As

far as specifics are concerned, the process is in its infancy, but we are working with groups on ways to address recreation issues. It may end up in an all-encompassing bill." Rep. Richard Pombo (R-Calif.) chairs the committee.

A core provision in the draft bill calls for the development of a National Recreational Strategy by federal agencies under the lead of the Secretary of Interior. The strategy would then identify laws and rules that impede recreational opportunities, and means to eliminate the impediments.

The juice of the bill comes from 12 issues the federal agencies would consider during the preparation of the National Recreational Strategy. Among the issues are the use of private money to help federal rec facilities, the use of partnerships to run federal rec facilities, action on a National Recreation Lakes Commission report, adaptation of a Southern Nevada Public Lands Management Act to other areas (the act authorizes use of revenues from federal land sales for local park and rec purposes), and identification of new techniques for obtaining money for federal agency maintenance. *(See the following list of issues that the bill would have the federal agencies consider.)*

The recreation group proposal emerges in the wake of progressively lower Congressional appropriations for federal land management agency park and rec programs. For example in fiscal year 2005 Congress reduced spending for an Interior and related agencies appropriations bill by \$500 million, from \$20.5 billion in fiscal 2004 to \$20 billion in fiscal 2005.

In a separate initiative legislators intend to reintroduce legislation this year, called alternately the Americans Outdoors Act the Get Outdoors Act, to obtain more money for conservation programs such as the Land and Water Conservation Fund. The legislation would guarantee up to \$3.125 billion per year for the programs from off-shore oil and gas royalties. The chief sponsors are Rep. Don Young (R-Alaska) and Sen. Lamar Alexander (R-Tenn.)

The Federal Recreation Policy Act takes a different approach. It would not directly provide money to federal agencies from either appropriations or from offshore oil and gas revenues. It would, however, begin a process that could lead to the identification of new sources of revenues for agencies.

In addition the Federal Recreation Policy Act addresses different issues than the Young-Alexander bill. It concentrates on operations and maintenance, whereas the Americans Outdoors Act/Get Outdoors Act concentrates on land acquisition and revenue sharing with state programs such as Urban Parks and Recreation Recovery.

Congress did approve late last year a new law that provides some dedicated money for federal agencies. It allows the agencies to retain entrance and user fees and to spend the money on maintenance and for other purposes. It replaces a prototype FeeDemo program that allowed agencies to collect some \$180 million per year in such fees. The Federal Lands Recreation Enhancement Act became law December 8 as a rider to an omnibus fiscal year 2005 appropriations bill (PL 108-447).

There is another antecedent for a Federal Recreation Policy Act. In 1997 then Senate Energy Committee Chairman Frank Murkowski (R-Alaska) worked closely with the recreation community on a massive Super Recreation bill. Murkowski never formally introduced a bill. But in announcing that he was drafting a bill Murkowski said the measure would have included money for the state side of LWCF, and the entrance fee program. And he said it would have included provisions in the new Federal Recreation Policy Act such as encouraging partnerships to invest in federal lands.

Here's a list of issues draft rec bill would have studied

The following are issues that a draft bill called the Federal Recreation Policy Act would have federal agencies consider in the development of a National Recreation Strategy.

The draft bill was written by a number of recreation interests. The issues appear here as they appear in a recent draft of the bill obtained by FPR. The federal agency review would NOT be restricted to these 12 issues:

"1) application of new technologies to enhance visitor experiences and improve recreation program management;

"2) strategies to overcome the need for major periodic campaigns to address chronic underfunding of maintenance and operations, including use of 'sinking funds,' maintenance set-asides in construction budgets, and opportunities associated with multi-year budgeting;

"3) action on recommendations of the National Recreation Lakes Study Commission;

"4) opportunities to substitute private capital for appropriated funds at campgrounds, marinas and other recreation facilities on public lands;

"5) means to protect and enhance access to public lands and waters;

"6) application of the Southern Nevada Public Lands Management Act to other states and regions;

"7) support for local non-profit service organizations through the National Park Foundation, the National Forest Foundation and other mechanisms;

"8) additional frontcountry trails which assist in fulfilling the directives of EO 13266;

"9) increased volunteerism on federal lands;

"10) means protect and expand access to public lands and waters, including access from urban population centers, to improve the benefits derived from public lands and waters by urban, poor and ethnic Americans;

"11) innovative partnerships involving federal agencies managing public lands and waters and other entities including state and local governments,

non-profit organizations and corporations that may include day-to-day operation of areas and facilities;

"12) alternative funding mechanisms for public recreation facilities."

Grand Canyon outfitters declare peace on access

Commercial and noncommercial outfitters reached a landmark agreement January 25 that would give each side about the same dedicated access to Grand Canyon National Park each year.

The agreement would have NPS provide 115,000 user days per year to commercial outfitters and 115,000 user days to noncommercial outfitters. The agreement effectively rejects a new NPS proposal that would have NPS establish allocations to each side based on registrations each year. The NPS proposal is included in a draft Colorado River Management Plan and EIS.

Richard Martin of the Grand Canyon Private Boaters Association praised the deal, saying, "This is a major achievement that we hope will help bring about real and lasting solutions to some very difficult problems that Grand Canyon river lovers on all sides have wrestled with for years."

Jason Robertson of American Whitewater, which represents noncommercial users of the river, said, "This effort succeeded because people on all sides wanted to move past endless controversy and divisiveness to find real solutions to real problems. It's time to heal and reunite the Grand Canyon boating community. To do that, each of the groups has been willing to compromise and look at issues in new ways. There's still a long way to go, but we're excited because we think we're off to a good start."

The agreement doesn't end the argument. The Park Service will have the final call and will assess comments from all interests, including environmentalists who oppose the river-runner agreement.

In that regard 14 environmental

groups January 26 denounced the agreement. They said NPS should reduce the number of trips in powered motorboats from 171,000 user days per year, not increase it. "This 'breakthrough' is wiping out a chance for change for the river and further entrenches the status quo of crowds, noise, and ecological destruction taking place in the canyon," said Jo Johnson, a director of River Runners for Wilderness.

NPS proposed the new policy Oct. 1, 2004, that would fundamentally change the way it decides who would be allowed to run the Colorado River through the park. The new policy would have all people who wished to run the river first register with the Park Service. Then NPS would allocate uses between commercial and noncommercial users.

NPS assumes a preferred alternative would lead to 115,500 commercial user days per year and 102,725 noncommercial user days. Thus the agreement between outfitters for 115,000 user days each is close to the NPS assumption. Under existing policy the number of commercial user days totals about 113,000 and the number of noncommercial user days about 58,000, NPS says.

So in the agreement the commercial users are obviously giving up some preference to noncommercial users. However, the agreement would provide commercial users one large concession: It would stretch the commercial season from March 1 to September 15, instead of April 1 to August 31 in the NPS proposal.

The comment period on the proposed river management plan and EIS ends February 1. The river runner agreement is available at a number of outfitter association websites. We found it most easily at <http://www.gcpba.org>.

The many-sided war over river running through Grand Canyon has been fought fiercely for many years among motorized river runners, non-motorized river runners and environmentalists. With the publication of the draft EIS that war may be nearing a conclusive battle (save for the inevitable litigation). NPS says it intends to complete a new plan by spring or early summer.

In its draft EIS the Park Service laid out eight alternatives, ranging from existing policy through to a preferred alternative. All seven new alternatives would decrease the percentage of people using commercial trips in favor of noncommercial trips.

Congress is back; Bush's Clear Skies moves to front

Congress returned to work this week, highlighted by the Senate introduction of President Bush's proposal to revise the Clean Air Act.

The bill (S 131), called Clear Skies, includes a provision that would preclude federal land managers from commenting on new sources of air pollution outside 50 kilometers from a national park or wilderness area. Park advocates believe land managers should be able to intercede, at least verbally, on any new source near a park, if it would harm the park.

"We're against setting a limit that close to a park," said Bill Wade, coordinator for the Coalition of National Park Retirees and former superintendent of Shenandoah National Park. "It doesn't take a rocket scientist to know that they are going to locate facilities just over 31 miles (50 kilometers) from a park to eliminate authority of the Park Service to participate." Wade said that pollutants that affect national parks are usually located more than 50 kilometers from a park.

In a separate development the Interior Department announced January 26 that it has reached an agreement with the state of Utah to protect national parks in Utah. The agreement endorses a Utah Regional Haze State Implementation Plan that caps sulfur dioxide emissions. Other states in a Western Regional Air Partnership - Arizona, New Mexico, Wyoming and Oregon - have not completed such plans yet.

Senate Environment and Public Works Committee Chairman James Inhofe (R-Okla.) introduced the administration's Clear Skies bill January 24 and immediately held a hearing on it January 26. The administration did

not testify at the hearing that was confined to the single issue of a need for multi-emission legislation. The committee has scheduled a more substantive hearing for February 2.

On introducing S 131 Inhofe said the measure would make great progress in reducing pollutants and avoiding litigation, by deploying a "cap-and-trade" strategy. Under cap-and-trade producers of new pollutants could trade credits with other producers of new pollutants. Overall, S 131 requires the reduction of three pollutants - sulfur dioxide, nitrogen oxides and mercury - by set percentages by dates certain, such as 70 percent by 2018.

The main opposition to Clear Skies will come from Senate Democrats allied with Sen. James Jeffords (I-Vt.), ranking minority member of Inhofe's committee. Jeffords and the Democrats would prefer to retain the existing Clean Air Act format that limits pollutants from individual sites. Jeffords says the existing law will reduce more pollutants, more quickly than S 131. To that end Jeffords introduced his own bill (S 150) January 25, called the Clean Power Act. It would update the Clean Air Act.

Separate from the Clear Skies legislation, EPA in 2005 has promised to implement administratively two important provisions of the Clean Air Act that affect the air over national parks and other Class I federal land sites. Under agreements reached with environmentalists to settle lawsuits:

* EPA on Aug. 19, 2004, proposed regulations that would require states to limit emissions by forcing aging power plants near national parks to adopt best available retrofit technology.

* EPA had promised to propose regulations to reduce nitrous oxide pollutants, but the administration said Dec. 14, 2004, that it would delay the proposal until Congress acted on Clear Skies. The administration presumes a cap-and-trade will pre-empt the regulations.

Both developments stem from decades of litigation from environmental-

ists over visibility impairment (haze) over 156 national parks and wilderness areas, so-called Class I areas. In the Clean Air Acts Amendments of 1977 Congress directed EPA to eliminate haze over the Class I areas. For 22 years after the 1977 law was passed EPA established no firm requirements for states to act to protect Class I areas. Finally, prodded by numerous lawsuits from environmentalists, the Clinton administration in 1999 laid down the comprehensive haze regs.

Will sinking gas taxes lead to long TEA-21 extension?

The Department of Transportation said January 25 that highway miles driven have about stayed the same this year. With gas tax revenues thus constant the administration has a strong argument for not increasing spending for surface transportation programs.

Federal Highway Administration numbers show that during calendar year 2004 through November travel on all roads and streets increased by 1.1 percent.

The administration will surely use the miles-driven data to argue that Congress should follow its recommendation and spend no more than \$256 billion for surface transportation programs in a new six-year bill. Secretary of Transportation Norman Mineta has repeatedly said in recent speeches that the administration will hold the line.

Republicans and Democrats from both houses are not about to accept the administration arguments for holding the line on surface transportation spending. House Transportation Committee Chairman Don Young (R-Alaska) continues to insist on a most recent House offer of \$299 billion and the Senate is expected to stick to its latest offer of \$301 billion.

The anticipated stalemate may lead to a multi-year extension of the present surface transportation law, the Transportation Equity Act for the 21st Century (TEA-21). The idea is to allow time for gas tax revenues to increase for a year or two. "The administration is even

more reluctant to add additional costs to the bill," said one player who is close to the situation. "This will not play well with donor states (that would have to continue to contribute more in gas taxes than they receive in payments.) Clearly, the implication is the status quo is the new dynamic."

Although TEA-21 expired on Oct. 1, 2003, Congress has extended the law's provisions with a series of six temporary spending measures. The latest, PL 108-310 of Sept. 30, 2004, extends TEA-21 through May.

House and Senate committees responsible for writing a six-year law say they are now hard at work and intend to produce a new bill. The House Transportation Committee plans to write a bill in the next month based on last year's bill (HR 3550). Likewise the Senate Environment and Public Works Committee is on an analogous schedule and is likely to begin with last year's bill (S 1072).

They are being egged on by a broad array of interests, including Speaker of the House Dennis Hastert (R-Ill.), Senate Minority Leader Harry Reid (D-Nev.), road-building lobbies, and the American Association of State Highway and Transportation Officials (AASHTO).

At a recent press briefing in Washington, D.C., AASHTO demanded quick action. Said John Njord, executive director of the Utah Department of Transportation, "The bottom line is, if we don't have a bill by April, we will lose an entire construction season. Congress needs to recognize this, and move swiftly to pass a bill before April."

Added Njord, "Our construction schedule follows the timetable of Mother Nature. In my state, and in most other states across the country, we are very limited by when we can and cannot perform construction activities. In Utah, we are limited to constructing projects between mid-April and Mid-October. Anytime outside of that window it's simply too cold and too wet to do any work."

Advocates of park and recreation

programs are also lobbying key House and Senate members. For instance the National Recreation and Park Association is attempting to persuade regional governments to ask Sen. George Voinovich (R-Ohio) to back off from a provision affecting the so-called Section 4(f) in existing law. Section 4(f) effectively bars road construction through park and rec areas. At Voinovich's urging the Senate last year approved an amendment to S 1072 that could weaken the law.

Although the Voinovich provision would require highway departments to continue to obtain approval of park and rec agencies before constructing roads, it would also allow the U.S. Department of Transportation to write regulations setting conditions for that approval, perhaps weakening it.

So, said Rich Dolesh, a staff member with the National Recreation and Park Association, "We're working on regional associations to persuade Voinovich and others to adopt a more enlightened position." Dolesh said neither NRPA nor the regional associations have put anything in writing yet, but "regional planning associations are showing growing interest in what a *de minimis* standard might bear."

To provide a taste of the huge amounts of outdoor program money involved in a new surface transportation bill the law extending TEA-21 through May provides an estimated \$393 million and \$33 million respectively. The extension law specifies eight-month allocations of \$17,666,667 for scenic byways, \$110 million for national park roads, \$164 million for public lands highways and \$13,333,333 for refuge roads.

NPS to study San Gabriel area of L.A. as a possible park

The Park Service took the first step January 19 that could lead to a recommendation that a portion of the San Gabriel Watershed in Los Angeles be designated as a unit of the National Park System.

In announcing that it will conduct a study of the area NPS said it could

come up with recommendations short of a national park unit, including management by local governments, by a private company or by some sort of cooperative arrangement between the Park Service and other organizations.

The NPS action consisted of a *Federal Register* notice of an intent to begin the study and to prepare environmental impact analysis. NPS said it was not sure if an EIS or an environmental analysis would be necessary. The service said it intended to complete the study in winter 2008.

The study was authorized by a law Congress passed in 2003 (PL 108-042 of July 1, 2003) that was sponsored by Rep. Hilda Solis (D-Calif.) Congress subsequently approved an unspecified appropriation for the study in a fiscal year 2004 Interior appropriations law (PL 108-108 of Nov. 10, 2003). The Park Service estimated the study would cost \$375,000.

Solis's office said the Congresswoman has no preconceived notice of what NPS should recommend. However, an aide said Solis has long argued for additional green space and a healthier environment for the valley.

Although the Bush administration has from its inception opposed adding new units to the National Park System, it did support the San Gabriel study. NPS Associate Director Sue Masica said in testimony before the Senate Energy Committee in 2003 that the study could result in a recommendation other than a national park unit.

"Alternatives to federal management of resources that are often considered in a special resource study for this type of area include national trail designations, national heritage area designations, and the provision of technical assistance to state and local governments for conservation of rivers, trails, natural areas, and cultural resources," said Masica. "A study of an area where land ownership and jurisdictional boundaries are as complex as they are in the San Gabriel River Watershed would likely emphasize public-private partnerships."

The area of study extends up into the San Gabriel Mountains that are partly managed by the Forest Service. Masica recommended that the Forest Service jointly conduct the study, but the final bill gave all responsibility to the Park Service.

In describing the area Masica said, "At first glance, many may view this river as simply a concrete-lined ditch, however, it provides an important opportunity for low-impact recreation for many urban residents."

Masica linked the San Gabriel study to a separate proposal to authorize a study of the addition of up to 492,000 acres to the Santa Monica Mountains National Recreation Area. Congress did not pass the bill last year in the face of criticism from private property rights advocates.

However, Sen. Dianne Feinstein (D-Calif.) reintroduced the bill (S 153) January 25. The measure would authorize a study of high land that surrounds the recreation area, called the Rim of the Valley Corridor. The Forest Service manages more most of the land.

"If both bills are enacted in a close timeframe, the National Park Service would want to coordinate the two studies to achieve efficiencies in costs and staff resources, and to minimize public confusion," said Masica.

GAO: DoD has sold little base closure land; new round on

The General Accounting Office (GAO) reported January 13 that only one-third of unneeded military land freed up for nonfederal use by base closures was sold for economic development.

Thus, almost 60 percent of land involved in closures was allocated to categories that could possibly lead to park and rec uses. That includes (1) public benefit conveyances, (2) conservation conveyances and (3) special legislation.

The report is timely because a new round of closures is just getting under way. Congress last fall approved the

fifth round that will be overseen by a nine-member commission over the next year. In the four previous rounds the Department of Defense (DoD) disposed of 72 percent of its former land, some of it for outdoor uses.

Park and rec advocates have long feared that the Base Realignment and Closure (BRAC) program that began in 1988 would squeeze them out in favor of economic development. They believed that DoD would have great incentive to sell the land and use the proceeds, and little incentive to provide no cost transfers of park and rec properties to local governments.

But GAO said DoD had missed its land sales projects by a large margin. DoD had originally projected sales of \$4.7 billion from the first four rounds of closures, but has received only \$595 million to date.

Long before BRAC began, a Federal Lands to Parks program took the lead in transferring excess federal land emanating from all sources for park and rec purposes. Under it NPS helps communities identify available lands, identify important park and rec characteristics of that land, and apply for the land. In most instances the land is transferred at no cost.

The Park Service says that in the last four rounds of base closures since 1988 the Federal Lands to Parks program has completed the transfer of 72 tracts to communities and is working on another 27. From the 72 completed land transfers communities have obtained 11,095 acres. If all 97 transactions came to fruition, more than 18,000 acres would be transferred, says NPS.

Congress approved the 2005 round of base closures in a Department of Defense authorization act (PL 108-375 of Oct. 28, 2004), but barely. Before a House-Senate conference committee agreed to allow the next round proceed, the House had voted to delay it for two years, until 2007, and the Senate barely defeated an amendment to delay the program while a review was conducted on the need for foreign bases.

The 2005 round of closures timeline calls for President Bush to appoint a nine-member commission of heavyweights on May 15, a day before the Department of Defense completes its list of recommended closures. The commission is then to report to the President on September 8 and the President to Congress on September 23; however, that schedule could be set back if the President disagrees with the commission report. When the President does submit a final recommendation, Congress must either accept it completely or reject it completely. It can't pick and choose. More information is available at DoD's BRAC website <http://www.dod.gov/brac/>

The GAO report, *Updated Status of Prior Base Realignments and Closures*, says that DoD has transferred 72 percent of 504,000 acres from previous rounds of closures. Of that 52 percent was transferred to nonfederal entities. Of the 52 percent, 18 percent was allocated to public benefit conveyances (the category includes several other kinds of benefits besides park and rec), 22 percent was allocated to conservation conveyances and 19 percent was allocated through special legislation.

The conservation conveyances are made under a new law and weren't first used until 2003. The law authorizes DoD to transfer property for natural resource purposes. In the largest example GAO said DoD transferred some 58,000 acres from the Sierra Army Depot in California to two nonprofit groups, including the Trust for Public Lands.

Ninth Circuit may give rec interests some wiggle room

In a roundabout way a federal appeals court earlier this month provided recreationists with a legal strategy to force federal agencies to act on policies, such as identifying possible wild and scenic rivers.

The Ninth U.S. Circuit Court of Appeals held that if a plaintiff can demonstrate an agency failed to take a "specific, discrete" action, then it may be able to force action. In this case the court was considering an alleged

failure of the Forest Service to identify wild and scenic rivers.

The Ninth Circuit holding gives conservationists a legal approach that circumvents a landmark Supreme Court decision of June 14, 2004. The Supreme Court held that environmentalists couldn't use the Administrative Procedures Act (APA) to make the Bureau of Land Management (BLM) limit off-road vehicle access in wilderness study areas (WSAs). The Supreme Court decision is styled *Norton v. Southern Utah Wilderness Alliance (SUWA)*, No. 03-101 of June 14, 2004.

In a January 7 ruling the Ninth Circuit at first acknowledged the propriety of the Supreme Court decision when it threw out the APA portion of a lawsuit that charged the Forest Service failed to study 57 rivers for possible designation as Wild and Scenic Rivers. The plaintiff Center for Biological Diversity argued the Forest Service omitted the 57 rivers from a study of free-flowing rivers. The study was conducted in 1993 at the request of the Arizona Congressional delegation.

The Ninth Circuit said that the center's lawsuit failed when it relied upon the APA to force a *general* action. "Because the Center fails to allege a discrete agency action that the Forest Service failed to take, the Center has no standing," held a three-judge panel of the Ninth Circuit.

But in the second part of its decision the Ninth Circuit said the Center for Biological Diversity lawsuit should not be closed out because the plaintiff could still use other laws to force action if a claim were specific enough. In so doing it overruled a holding of the U.S. District Court that had closed out the center's case.

Said the Ninth Circuit in a somewhat tortured sentence, "Although the (Supreme) Court's reasoning in *SUWA* apparently forecloses a general 'failure to consider' claim under (APA), the Center may be able to assert a 'discrete agency action that (the agency) is required to take' under (the Wild and Scenic Rivers Act) by alleging specific

failures of the Forest Service to consider specific rivers when planning for specific projects."

So the Ninth sent the case, *Center for Biological Diversity v. Veneman*, CV 01-00477 WDB, January 7, back to the district court and said, "(W)e reverse the district court's denial of the Center's motion for leave to amend and remand with instructions to permit the Center to amend its complaint." The decision is available at the Ninth Circuit's website <http://www.ca9.uscourts.gov>. Click on "Opinions" in yellow on the upper left and then scroll down by date to the opinion.

In the related Supreme Court decision the court ruled unanimously that, while the APA may be properly invoked to force an agency to complete delayed regulations, it can't be invoked to say what the agency must do substantively within the regulations in specific situations. Justice Antonin Scalia wrote the decision.

The Supreme Court took the case after the Tenth U.S. Circuit Court of Appeals held that BLM didn't do enough to protect public lands from ORV use. The Tenth Circuit invoked the APA to prod BLM to action. Environmentalists said BLM should crack down on ORV use on the 2.5 million acres of WSAs in Utah.

Notes

Nunes gets House NPS position.

The House Resources Committee January 26 announced the appointment of Rep. Devin Nunes (D-Calif.) as the new chairman of the House subcommittee on National Parks and Public Lands. Nunes is in just his second term and represents Kings Canyon and Sequoia National Parks. He replaces Rep. George Radanovich (R-Calif.) Rep. Richard Pombo (R-Calif.) will continue to chair the committee and Rep. Greg Walden (R-Ore.) will chair the subcommittee on Forests.

Yosemite schools bill returns.

Sen. Dianne Feinstein (D) reintroduced a somewhat controversial bill (S 136) that would authorize the allocation of up to \$400,000 from appropriations for Yosemite National Park for schools out-

side the park. The bill failed last year when the House did not have an opportunity to consider a final version. The Senate approved the bill on Nov. 7, 2004, and the House approved an early version on March 25, 2003. Feinstein said that this year she has reached an agreement with bill critic Sen. Jeff Bingaman (D-N.M.) Under the agreement the Park Service must not reduce park spending below fiscal 2005 spending levels. The Bush administration supported the bill last year. Feinstein said the bill is needed to keep three small schools open that serve children of park workers. Without the money California may consolidate the three schools, forcing commutes of up to two hours, she said.

Rio Grand Heritage bill returns.

New Mexico senators introduced legislation (S 63) January 24 that would designate a Northern Rio Grande National Heritage Area in their state. The Senate approved the bill on Dec. 7, 2004, in a package of heritage area bills;

however, the House had already adjourned for the year and the package died. S 63 would authorize spending of up to \$1 million per year on the area and \$10 million total.

Glacier issues commercial ROD.

Glacier National Park gave notice January 19 that, after five years of work, it has completed a policy for managing commercial visitor services in the park. That decision will govern a broad array of uses such as guided recreation tours and renovation of facilities. NPS said the most debated single issue was the possible renovation of the backcountry Granite Park Chalet. The ROD calls for upgrading the historic chalet's restrooms, providing potable water and maintaining current services. The chalet was closed in 1992 because of poor water and sewage systems. It was reopened in 1996 with modified services. In a separate area in the ROD the park decided not to allow motorcycle tours because of noise. The ROD is available at <http://www.nps.gov/glac/plans.htm>.

Boxscore of legislation

<u>LEGISLATION</u>	<u>STATUS</u>	<u>COMMENT</u>
Congressional Budget Resolution FY 2006		
No resolutions yet	President's budget due Feb. 7. Draft budgets due in March.	Administration promises to freeze domestic spending, at most.
Appropriations FY 2006		
No bills yet	House expected to begin writing bills in mid-May.	Spending caps for Interior bill not expected to increase.
Appropriations 2005 (Interior Etc.)		
HR 4818 (Kolbe)	President Bush signed into law December 8 as PL 108-447.	Reduces conservation spending and roughly maintains fed agency spending.
Appropriations 2005 (Energy and Water.)		
HR 4818 (Kolbe)	President Bush signed into law December 8 as PL 108-447.	Increases spending for Corps of Engineers and Bureau of Reclamation.
Clean Air Act		
S 131 (Inhofe)	Inhofe introduced Jan. 24.	Inhofe introduced administration Clear Skies bill. Jeffords introduced competing bill.
S 150 (Jeffords)	Jeffords introduced Jan. 25.	
Rim of the Valley (SMMNRA)		
S 153 (Feinstein)	Feinstein introduced Jan. 25.	Would authorize a study of a major expansion of SMMNRA.
Heritage areas: Northern Neck		
HR 73 (J. Davis)	Davis introduced January 6.	Would authorize a study of a possible Northern Neck NHA in Virginia.
Heritage areas: Rio Grande (N.M.)		
S 63 (Bingaman)	Bingaman introduced Jan. 24.	Would establish a Rio Grand National Heritage Area in New Mexico.
Heritage areas: Mormon Pioneer		
S 163 (Bennett)	Bennett introduced Jan. 25.	Would establish a Mormon Pioneer National Heritage Area in New Mexico.