

WSTPC NATIONAL ISSUES BULLETIN

November, 2005

An e-mail service for members of the Western States Tourism Policy Council by WSTPC Washington, DC, Representative Aubrey King (202.251.6845), who can provide more details on any of the issues reported here. Comments or suggestions are always welcome. New information since the last National Issues Bulletin is in bold.

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Proposal to Sell Forest and BLM Lands

On November 17th the House adopted a proposal by Resources Committee Chairman Richard Pombo (R-CA) and Energy and Mineral Resources Subcommittee Chairman Jim Gibbons (R-NV) that would permit the sale of national forest and BLM lands that contain or once contained minerals. This would not apply to the national parks, refuges, wild and scenic rivers, national trails or conservation and recreation areas. The provision was included as Section 6204 in H.R. 4241, the Deficit Reduction Act of 2005. Although the provision refers explicitly only to "Mineral Development Lands Available for Purchase," it would apparently not preclude the purchased land to be used for straightforward development purposes, including residential and commercial development. Environmental organizations have strongly objected to it, and at this time, it has not received much support in the Senate, where it was not included in the Senate Deficit Reduction Act. A joint House-Senate Conference Committee will reconcile the two bills after Congress reconvenes on December 5th.

Recreation Fee Program

In subsequent discussions with Members of the Senate and key staff following the 10/26 Senate Hearing described below, the WSTPC has been told that no further Congressional legislation regarding the recreation is likely until next year at the earliest and probably not until 2007. Congress at this point seems willing to wait for the agencies to complete their protracted implementation process.

On October 26, 2005, WSTPC Washington Representative Aubrey King testified before the U.S. Senate Subcommittee on Public Lands and Forests regarding the new recreation fee program. In this testimony, the WSTPC supported the recreation fee program and the work done by the Federal land agencies to implement it, although it was urged that implementation be expedited. The WSTPC urged that the new fee program be viewed as much more than another source of revenue, but should instead be regarded as part of a new more innovative, flexible, visitor-focused way of managing the Federal lands and as encouraging closer partnerships between the Federal land agencies, State park and tourism agencies, the private sector and gateway communities.

The WSTPC continues to work with the Federal land agencies as they are developing guidelines for implementation of the ten-year new recreation fee authority passed by Congress in 2004 as the Federal Lands Recreation Enhancement Act (REA). Several interagency working groups have been formed to develop implementation guidelines for the new fee program. At a February 11 "Listening Session" at the Department of Interior with the interagency working group developing the newly authorized America the Beautiful Pass, the WSTPC urged the agencies to recognize the potential for this fee program to be more than just a source of revenue, but also a public information and marketing tool. The WSTPC also emphasized the importance of developing regional, intergovernmental passes and of working closely with state tourism offices and gateway communities in developing coordinated marketing campaigns combined with administration of the fee program. In a March 21, 2005, communication to Department of the Interior Director of External and Intergovernmental Affairs Kit Kimball, the WSTPC joined three other allied tourism and recreation organizations in urging that all interagency fee working groups meet with private and intergovernmental organizations to discuss the potential promise and ramifications of the new fee program.

At a June 24, 2005, "Listening Session" in D.C. on the Recreation Resource Advisory Committees (RRACs) mandated by the REA, the WSTPC urged state level RRACs instead of national or broad regional ones. .

The WSTPC was assured in August by senior officials at the Department of Interior that a "state-centered" RRAC program will be established and it has now been announced that existing state BLM Resource Advisory Committees would be relied upon to perform the RRAC role through special recreation subcommittees. The WSTPC questioned this approach in its October 26th Senate testimony because it is not clear whether the BLM

RAC or the RRAC subcommittee would have greater authority. Senate Forests Subcommittee Chairman Larry Craig (R-WY) agreed with this WSTPC concern.

The Forest Service has announced that it will discontinue entrance fees at 435 relatively undeveloped sites (while retaining fees at 4,024 sites). The agency hopes this will mitigate continuing strong opposition to the fee program as evidenced by the passage by six state legislative chambers of resolutions condemning the program and demanding Congressional repeal. Congress is not expected to pass such repeal legislation but may hold further hearings next year on fee implementation by the agencies.

Gateway community businesses, outfitters and concessioners are closely following reported plans to allow discounts to holders of America the Beautiful Passes for recreational activities such as camping. The concern is that such discounts will reduce net revenue for those private businesses.

Impact of Katrina and Rita

Hurricane Katrina and, to a lesser extent, Hurricane Rita have obviously inflicted severe human suffering and devastating property losses in the Gulf Coast. They are also having an enormous impact on Congress and the Federal government. Response and recovery to these two “storms of the century” have dominated debate and discussion on Capitol Hill. With overall projected costs in the \$200 billion range, pressure is being exerted on every agency budget and general rescissions of 2-3 percent are possible in already approved fiscal year 2006 budgets. The public lands agencies and international tourism marketing will certainly not be exempted from such rescissions. Proposals have even been made to cut back on the Federal highway program authorized by Congress just a few months ago, although this seems unlikely to happen.

The public lands agencies have also, suffered considerable direct damage to their park and forest lands located in the Gulf Coast, with the cost of repair and replacement creating additional budget pressures.

The impact of Hurricane Wilma, although severe, is apparently much less and will probably not add significantly to the fiscal impact of Katrina and Rita.

Earth Island Cases and Categorical Exclusions

An October 19th court ruling by U.S. District Court Judge James K. Singleton, Jr., has substantially mitigated concern that two of his earlier rulings in cases brought by the Earth Island Institute might nullify the use of “categorical exclusives” (CEs) by the USDA Forest Service. CEs have been widely granted by the FS to exempt activities with negligible environmental impact from having to allow public notice, comment and appeal, which can take months to complete. After ruling July 2nd in *Earth Island Institute v. Pengilly* and on September 16th in *Earth Island Institute v. Ruthenbeck* that the FS had abused its authority and excessively used CEs in unjustified situations, the FS interpreted

this to prevent nearly all CEs, including such relatively benign activities as film-making on the national forests and chopping down the annual Congressional Christmas tree. But in his October 19th ruling, Judge Wilkinson identified eleven specific activities to which his earlier decisions applied, including timber sales, prescribed burnings and OHV use regulations. Filming and Christmas trees are not on the list. Nor are routine visitor service activities.

Reauthorization of Federal Highway Program

Congress in July finally reauthorized the Federal Highway Program with the passage of SAFETEA-LU (H.R. 3), nearly two years and eight Congressional extensions after the 10.1.03 expiration of TEA-21. SAFETEA-LU is a six-year reauthorization that provides \$286.4 billion.

The dollar amounts for the overall six-year reauthorization and for specific programs are confusing because we are already two years into this reauthorization cycle, which will end September 30, 2009. Nonetheless, we can conclude that not only is the overall \$286.4 billion nearly \$50 billion more than TEA-21, but also, with one notable exception, that programs directly beneficial to tourism and recreation fared reasonably well compared with TEA-21, with the following amounts not subject to appropriations:

Transportation Enhancements goes from \$590 million annually to \$686 million.
Scenic Byways gradually increases from \$26.5 million per year to \$43.5 million in 2009.
National Park Roads rises from \$165 million annually to \$225 million in 2009.
Public Lands Highways, now \$226 million, rises in steps to \$300 million in 2009.
Recreation Trails increases from \$50 million to \$85 million in 2009.

Supporters of recreational trails and sportfishing and boating were especially pleased with the outcome of SAFETEA-LU. Recreational trails will receive effectively a 62 percent increase over TEA-21 and sportfishing and boating is rejoicing because the entire Federal tax of 18.3 cents per gallon collected on fuel used by motorboats and small engines will now go into the Wallop-Breaux fishing and boating trust fund. Previously, only 13.5 cents went into that fund. This means the allocation for sportfishing and boating should increase from \$284 million per year to about \$384 million.

Unfortunately, attempts to establish a new categorical program of Recreational Roads with funding of \$50 million, of which 68% would have been allocated to Forest Highways and the balance to the BLM, Corps of Engineers and Bureau of Reclamation, was not included in SAFETEA-LU because of fiscal constraints. Very few new programs were authorized because there was not enough money to satisfy existing programs.

Controversy continues to rage over the wisdom of more than 5,000 earmarked projects, or "set-asides," in SAFETEA-LU that absorb nearly 21 billion dollars in highway funds. It should be borne in mind, however, that many of these set-asides, including visitor centers, bridges, trails enhancements and restoration of historic sites, will directly benefit tourism and recreation, including many projects in western states.

Now just two short years and we will begin working on the next reauthorization bill.

Public Lands Appropriations

Both House and Senate have passed H.R. 2361, the fiscal year 2006 appropriations for the Federal land agencies. Following are the comparable amounts for key public land and recreation programs, showing the 2005 budget figures, President Bush's proposed budget for 2006 and the amounts approved by the House and the Senate. As the figures show, the public land agencies in general and their tourism and recreation programs in particular have not done badly in this time of very tight Federal budgets:

NPS Operations: 2006 appropriation, \$1.744 billion. President Bush's Budget, \$1.734 billion. Senate, \$1.750 billion.

NPS Operations Maintenance: 2006 appropriation, \$594.7 million. President Bush's Budget, \$595.6 million. 2005, \$582.7 million.

NPS Construction: 2006 appropriation, \$301 million. President Bush's Budget, \$324.3 million. 2005, \$353 million.

NPS Recreation and Preservation: 2006 appropriation, \$55 million. President Bush's Budget, \$36.8 million. 2005, \$61 million.

Forest Service Recreation: 2006, \$265.2 million. President Bush's Budget, \$257.3 million. 2005, \$257.3 million.

Forest Service Trails: 2006, \$72.5 million. President Bush's Budget, \$63.8 million. 2005, \$75.7 million.

BLM Recreation Management: 2006, \$66.1 million. President Bush's Budget, \$664.6 million. 2005, \$60.6 million.

Fish and Wildlife Refuge Management: 2006, \$393 million. President Bush's Budget, \$394 million. 2005, \$381 million.

Forest Service Fire Fighting: 2006, \$1.779 billion. President Bush's Budget, \$1.735 billion. 2005, \$2.099 billion.

Interior Department Fire Fighting: 2006, \$762 million. President Bush's Budget, \$756.6 million. 2005, \$831 million.

If there are agency wide rescissions because of Katrina/Rita recovery costs, the preceding figures will be lowered.

Facilitation of International Travel

Western Hemisphere Travel Initiative. On October 31st, WSTPC Chairman Carl Wilgus submitted comments to the Bureau of Customs and Border Protection regarding the Advance Notice of Proposed Rulemaking for the implementation of the Western Hemisphere Travel Initiative. These comments:

- **urged greater attention to the economic impact of any changes in border inspection and control procedures;**
- **expressed concern over reliance on passports as the only or de facto acceptable means of identification for travelers from Canada or Mexico;**
- **requested that States and communities should become partners in both the development and implementation of any new procedures or systems, with a special role for state tourism offices;**
- **proposed that closer collaboration between the public and private sectors be institutionalized and made permanent;**
- **recommended that a robust and focused public communications campaign be developed to inform domestic and international travelers of any changes.**

Biometric Passports for Visa Waiver Countries. On June 15th, DHS Secretary Chertoff announced that the U.S. will accept the production of digital photographs to satisfy the October 26, 2005, requirement of biometric identifications on passports for travelers from the 27 countries in the Visa Waiver Program. By October 26, 2006, the VWP countries will have to begin issuing passports with integrated circuit chips, or e-passports. (On October 26, 2005, VWP countries must present an acceptable plan to begin issuing e-passports by October 26, 2006.) There is concern that France and Italy will not be able to comply with this new digital photograph requirement.

Registered Traveler Program. After more than a year's experience, the Department of Homeland Security's Transportation Security Administration (TSA) on September 26th announced it would suspend a test program on October 1st that speeds airline travelers to the front of airport security checkpoints in exchange for providing more personal information. The "Registered Traveler" program operated at six airports and the participants were a few thousand frequent travelers hand-picked by the airlines. **Because of strong support for the program from the travel industry and major airports, it appears the TSA will soon reinstate and expand the program following full assessment of the test program.**

Gateways Bill

H.R. 585 is expected to come up for a floor vote in the House of Representatives this fall.

Representative George Radanovich (R-CA) reintroduced H.R. 585, the Gateway Communities Cooperation Act, in the first business week of the 109th Congress. The WSTPC is meeting with key Senators and their staff to urge support for this legislation.

In order to get H.R. 585 on the “Consent Calendar” in the House, which would mean prompt voice vote approval, revisions have been made in the legislation so that it will not be classified as creating a “new program” that would not qualify for the consent calendar. The main change has been to drop the small \$10 million grant program from the bill.

National Outdoor Recreation Policy Act

There has been no further action with regard to the National Outdoor Recreation Policy Act.

The WSTPC continues to work with the American Recreation Coalition and other recreation industry organizations to draft and advocate a National Recreation Policy Act. This would establish for the first time a national commitment to development of a recreation policy for the country. The bill itself would make no substantive changes in recreation policies or programs, but it could result in a sea change in the emphasis given to recreation on the Federal lands. It would accomplish three major goals:

- (a) It would “declare a national policy regarding the management and use of lands and waters administered by Federal agencies to provide the American public with abundant, high-quality and diverse recreational opportunities to enhance (1) public health and welfare, (2) appreciation of natural resources and the environment, and (3) economic benefits associated with outdoor recreation for gateway, rural and other communities;”
- (b) It would direct the Secretary of the Interior to lead an interagency effort to prepare within 12 months “a national recreation strategy that identifies statutory and regulatory impediments to providing and facilitating a diversity of recreational opportunities on Federally-managed lands and waters, and appropriate means to increase the quantity and quality of recreation opportunities available to the public;” and
- (c) It would establish an ongoing Federal Recreation Inter-Agency Coordinating Council, with state and local government officials and others from the industry as advisors, to improve coordination of recreation programs and policies and implement the national recreation strategy.

On February 9th, the WSTPC joined other industry organizations in explaining this significant legislation to key staff on Capitol Hill. Resistance is expected from environmental organizations that will object to the emphasis this legislation gives recreation and perhaps from some Federal land agencies that do not see recreation as a major part of their mission.

The draft bill is supported by at least 24 recreation trade associations although some have expressed concern that it would favor some modes of recreation over others. Most environmental and conservation organizations have not endorsed it. The Department of the Interior apparently has reservations about the need for national legislation and would prefer solving any problems through administrative actions.

New Forest Service Estimate of Recreation's Economic Impact

The Forest Service has drastically lowered its estimate of the economic impact of recreation on the national forests from \$111 billion, which had been the figure for nearly a decade, to \$11.2 billion. The agency maintains this is a much more valid estimate because it is based on actual head counts of visitors and interviews of visitors to determine their spending patterns. Recreation industry organizations point out that this estimate only applies to visitor expenditures within fifty miles of national parks and that it does not include billions of dollars in expenditures made farther away for recreation supplies and expensive "durables" such as boats, snowmobiles, skis and other durables even though those purchases are made with the clear intent of using them on national forests. Concern that the lower impact estimate will be used to justify a lower priority for recreation in the Forest Service budget are rejected by the agency, which points out that recreation is still the largest generator of revenue of all activities on the national forests.

The validity of the FS economic impact estimates has been supported by a new study of the economic impact of wildlife refuges by the U.S. Fish and Wildlife Service. Although a much smaller impact of \$1.4 billion is found for 2004, the economic assumptions and methodology are the same and the estimated impact is comparable to the FS when the smaller acreage of the National Wildlife Refuge System and fewer visitors to wildlife refuges are considered.

National Parks Management Policy

On October 18, 2005, the National Park Service proposed a new comprehensive policy for managing the national parks, which is embroiled again in a conflict between those who see the agency's mission to be the unimpaired preservation of the natural resource and those who defend the right of the public to use and enjoy the parks.

In 2000, in the closing hours of the Clinton Administration, the last comprehensive parks policy was issued, over the opposition of recreation user groups who saw it as reducing access and use. Environmental groups are now concerned that the proposed plan will

exalt use over protection of the parks. A draft proposal written last summer by Paul Hoffman, Deputy Assistant Secretary of Interior for Fish and Wildlife and Parks especially stirred opposition from environmentalists.

The comment period for this new proposed management policy has been extended until February 19, 2006. The WSTPC participated in a November 16th listening session at the Department of the Interior on the new policy on and is reviewing the proposed policy before deciding whether it will submit comments.

Celebrating the Interstate and New Tourism-Transportation Partnerships

In 2006, the interstate highway system will be fifty years old. This 47,000-mile network is arguably the most significant public investment in the history of the nation, if not the world, and it has never cost the Federal treasury a dime since it has been entirely financed through the Federal motor fuel tax. Certainly the tourism industry in America today has been dramatically shaped and boosted by the interstate system.

The WSTPC and the National Tourism and Recreation Coalition for Surface Transportation are joining with the American Association of State Highway and Transportation Officials (AASHTO) to plan an appropriate national celebration of the fiftieth anniversary of the interstate system in 2006. One project being considered would be a reenactment of the 1919 military convoy across America led by then Colonel Dwight D. Eisenhower, which left a lasting impression on the young colonel of the need for a modern national highway system that eventually resulted in President Eisenhower signing into law the 1956 legislation creating what became known as the Dwight Eisenhower National Defense Highway System. Although the original 1919 Eisenhower Convoy went through eleven states and the District of Columbia as it traveled in two months from Washington, D.C., to the Pacific Coast, next year's two-week reenactment would feature participation from all fifty states. The travel and tourism industry and state transportation departments are being urged to work together to plan this celebration in every state.

At the same time, the WSTPC is working with the Transportation Research Board, AASHTO and other travel and tourism and transportation organizations to develop a substantive strategy to promote better relationships between travel and tourism and state transportation departments in every state and to broaden support for future Federal highway policies.

National Scenic Byways Program

There is growing concern over the future of the national scenic byways program. Although the program fared modestly well in the TEA-LU highway reauthorization bill earlier this year, it is expected that it will come under increasing pressure in the next reauthorization bill in 2009, as fiscal resources diminish. The WSTPC participated in a November 8th

meeting at the American Recreation Coalition to begin to develop strategies to strengthen political support for national scenic byways.

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