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STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS
By Senator John Chafee

from The Congressional Record - Senate

A bill to provide for consistent Federal actions affecting resources of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

External Development Affecting the National Parks: Preserving "The Best Idea We Ever Had"
September 14-16, 1986
Estes Park, Colorado

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Natural Resources Law Center
University of Colorado
School of Law
S. 2092. A bill to provide for consistent Federal actions affecting resources of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

NATIONAL PARK RESOURCES ACT

Mr. CHAFEE. Mr. President, today I am introducing the National Park System Resources Act. This bill will provide a clear and consistent policy with respect to activities on Federal lands which adversely affect resources in units of the National Park System.

Over the past several years it has become evident that our National Park System is facing serious problems. Although many of these problems are generated by activities within as well as outside the park boundaries, the majority of threats to park resources originate outside park boundaries. Congressional hearings, reports, and other data have identified a number of threats to the Park System. Here are a few examples:

In Yellowstone National Park, geothermal development, oil and gas leasing, and timber harvesting on adjacent lands may threaten Old Faithful and other geysers, as well as habitat important for the grizzly bear—one of three recoverable populations of this species in the lower 48 States. The park also faces air and water quality problems as a result of these activities.

In Glacier National Park, major resource exploration activities including coal, oil and gas exploration and extraction, and timber harvesting which pose major threats to park resources. Threats from these activities include degradation of park air and water quality, adverse affects on forest habitat for mammals, birds, and fish, as well as visitor experiences.

Although information on park threats continues to be generated, the most comprehensive study to date is the 1980 State of the Parks Report prepared by the National Park Service. This first-ever systemwide survey found that the scenic, natural, and historic resources in many park units are seriously threatened by numerous external and internal activities. The study identified 4,345 specific threats to park resources.

More than 50 percent of the reported threats were attributed to activities located external to the park. These external threats to parks often arise as a result of federally supported projects and activities on contiguous Federal lands. Testimony from the administration and other interested groups confirms that these external threats are a serious and real problem.

The House of Representatives has twice passed comprehensive park protection legislation, and Senate hearings on park problems have been held over the past 2 years.
In 1984 I introduced the Wildlife and Parks Act, which was aimed at protecting native fish and wildlife species found within the various Park System units. The legislation would have resulted in three things—it would have ensured protection of park wildlife on contiguous Federal lands outside the park boundaries as well as any lands inside the boundaries; assured consultation between park managers and other Federal land managers; and required a biannual report on park units' fish and wildlife.

During hearings on the amendment it became increasingly clear that some of the biggest threats to the parks come from development activities—such as oil and gas exploration, coal mining, and timber harvesting—on Federal lands that are contiguous to the parks. We received testimony from the administration and other interested groups which confirm that threats to the parks are real and are a problem.

Last year the Subcommittee on Public Lands and Reserved Water held hearings on the future of the National Park System. During these hearings we heard once again from the administration and other interested groups like the U.S. Fish and Wildlife Service, the National Park Service, the Forest Service, and the Bureau of Land Management that the current control over Federal lands contiguous to a park unit is totally unrelated to development or habitat destruction, and that we would save tax dollars and give greater protection to our irreplaceable park resources.

Mr. President, it is important to note that the bill would not give the Interior or any other new authority over Federal expenditures or activities on private land outside park boundaries. Its simple and commonsense approach says, "If we cannot go on spending a lot of Federal dollars to damage park resources, which could cost a lot of dollars to restore, let's decide if this expenditure will have a detrimental effect on these park resources." If the answer is "Yes," then the project would not go forward, or would have to be modified accordingly—but we would save tax dollars and give greater protection to our irreplaceable park resources.

Mr. President, 70 years ago Congress established the National Park Service by enacting the Organic Act of 1916. Through the years we have developed a park system which is the envy of the world. We can be proud of our vision and foresight in setting aside these areas for protection. Now we must continue our efforts to ensure that our Nation's most spectacular natural, cultural, and historic treasures will be protected for future generations. I hope the Senate will give the legislation expeditious and favorable consideration.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

SEC. 1. FINDING AND PURPOSE

The Congress finds that—

(1) the natural and cultural resources of the National Park System and by assuring consistency among Federal agency actions affecting the resources of the National Park System.

TITLe I

SEC. 101. FINDING AND PURPOSE

(a) FINDINGS.—The Congress finds that—

(1) the natural and cultural resources of the National Park System are among our nation's irreplaceable and nationally significant resources, constitute a major source of pride, inspiration, and enjoyment for the people of the United States, and have gained international recognition and acclaim;

(2) the Congress has repeatedly expressed its intentions, in both general and specific statute and by other means, that the natural and cultural resources of the National Park System be accorded the highest degree of protection;

(3) many of the natural and cultural resources of the National Park System are being threatened or degraded as a result of certain incompatible activities;

(4) some programs of the Federal government have subsidized and permitted actions having detrimental effects on the natural and cultural resources of the National Park System;

(5) this program would require action by Federal agencies and appropriate public notice when one Federal agency's proposed actions may be in conflict with the responsibilities of the National Park Service and is critical to the efficient and appropriate use and conservation of the National Park System; and

(6) full participation by the United States in the International Man and the Biosphere Program requires the designation of Biosphere Reserves and the inclusion of federally managed areas contiguous to protected core areas of National Park System units that have been designated as World Heritage Sites or international Biosphere Reserves, and use within such designated boundaries may proceed in a manner consistent with protection of such core areas.

(b) PURPOSE.—The Congress declares that it is the purpose of this Act to assist in the protection and conservation of natural and cultural resources of the National Park System by restricting future Federal expenditures and financial assistance which have a detrimental effect on these park resources, or which would flow back into the Park System but generate new revenue which would not offset existing expenditures or financial assistance which include funds appropriated for land acquisition, visitor services, maintenance, and other park programs.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE. This Act may be cited as the "National Park System Resources Act of 1986."
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...
ional Man and the Biosphere Program or "World Heritage Site" by the World Heritage and consideration for prompt, heightened resource data collection, monitoring, and resource protection efforts.

(b) The Secretary shall review the boundaries of those Biosphere Reserves that are managed under authority of the Department of the Interior to determine if such boundaries are sufficient for full United States participation in the Man and the Biosphere Program. The Secretary shall submit to the Congress within 12 months after the date of enactment of this Act a report which includes:

(1) a description of those Biosphere Reserves covered under this section,
(2) recommendations for any needed adjustments to Biosphere Reserve boundaries to include federally managed lands contiguous to the protected core areas of National Park System units, and
(3) recommendations for administrative or legal actions to ensure that multiple uses of such contiguous lands will be protected of such core areas.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Department of the Interior such sums as may be necessary for purposes of carrying out the provisions of this Act. Funds otherwise appropriated for the operation and management of the National Park System and contiguous federally managed areas may also be used to carryout the provisions of this Act.

SEC. 112. CITIZENS SUITS.

(1) Except as provided in paragraph (2) of this subsection any person may commence a civil suit on his own behalf:

(A) to enjoin any person, including the United States and other governmental Instrumentality or agency (to the extent permitted by the eleventh amendment to the Constitution), who is alleged to be in violation of any provision of this Act or regulation issued under the authority thereof, or

(B) against the Secretary where there is alleged a failure of the Secretary to perform any act or duty under this Act which is not discretionary with the Secretary.

The district courts shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce any such provision or regulation or to order the Secretary to perform such act or duty as the case may be.

(2) No action may be commenced under paragraph (1) of this section prior to sixty days after written notice of the violation has been given to the Secretary, and to any alleged violator of any such provision or regulation, except that such action may be brought immediately after such notification in the case of an emergency posing a significant risk to the well-being of any natural or cultural resources of the National Park System.

(3) (A) Any suit under this subsection may be brought in the judicial district in which the violation occurs.

(B) In any suit under this subsection in which the United States is not a party, the Attorney General, at the request of the Secretary, may intervene on behalf of the United States as a matter of right.

(4) No action may be commenced under paragraph (1) of this section prior to sixty days after written notice of the violation has been given to the Secretary, and to any alleged violator of any such provision or regulation, except that such action may be brought immediately after such notification in the case of an emergency posing a significant risk to the well-being of any natural or cultural resources of the National Park System.

(5) Any person (or class of persons) may have under any statute or common law to seek any person (or class of persons) may have under any statute or common law to seek enforcement of any standard or limitation or to seek any other relief (including relief against the Secretary or a State agency).

TITLE II

SEC. 201. ENTRANCE FEES.

(a) Section 4 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-6a) is amended by—

(1) amending subsection (a) by striking "No admission fees of any kind shall be charge or by inserting in lieu thereof "Entrance or admission fees may be charge;"
(2) amending paragraph (1) of subsection (a) by striking "$10" and inserting in lieu thereof "$35;"
(3) amending subsection (b) by adding at the end thereof the following: "It is the intention of Congress that fees collected at the entrance to a National Park Service unit of the national park system shall be allocated pursuant to this Act; and wherever practicable, fees collected at the entrance to a National Park Service unit shall be used for management of the National Park Service unit and shall not be used to offset or reduce appropriated funds, but to augment or expand existing programs;" and
(4) amending subsection (c) by (i) inserting "except the National Park Service," immediately after "which are collected by any Federal agency" and (ii) adding at the end thereof the following: "Fees collected by the National Park Service from appropriate funds pursuant to this Act shall be used to support the interpretation, resource protection, and visitor impact management programs of the Service, on the following basis: 30% to be returned to the parks which operate fee collection programs, generally on a proportionate basis relative to the amount of fees collected by each of these parks; 40% allocated among national park system units based on specific interpretation, resource protection or visitor impact management program enhancement needs identified to and approved by the Director;".

(b) Section 402 of the Act approved October 12, 1979 (Public Law 96-87, 93 Stat. 686) is hereby repealed.