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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

Sponsored by the
Natural Resources Law Center
University of Colorado
School of Law
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 those 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 amendment 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 came 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 National Parks and Conservation Association and the Conservation Foundation that activities occurring on federally managed lands adjacent to parks threaten the national park resources.

If we are going to remove these external threats, we must require better coordination between the Park Service and the “multiple-use” agencies in the Interior Department and Forest Service.

The bill I am introducing today builds upon the Wildlife and Parks Act. This new comprehensive legislation, entitled the National Park System Resources Act of 1986, creates a mechanism to resolve differences among the Federal land management agencies, establishes a clear and consistent policy with respect to activities on Federal lands which may impinge on parks.

The bill has four key elements. First, it would prohibit new Federal expenditures or financial assistance for projects on federally managed areas such as park boundaries. If the Secretary of Interior determines that such activities would not degrade or destroy the scenic, natural or cultural resource found within a park, the Secretary, however, has the option of forgoing the determination process if he identifies “park resource protection areas” on the contiguous Federal lands to assure protection of the park.

Second, the bill recognizes the importance of those national parks which have been internationally designated “biosphere reserves” or “world heritage sites.” The Secretary would be required to review the boundaries of these parks and make recommendations to assure they are sufficient for full U.S. participation in the Man and the Biosphere Program.

Third, the legislation calls for comprehensive biannual reports on the resources of the National Park System. These reports would identify threats to park resources and provide baseline data which could be used to evaluate trends and problems in parks.

Fourth, the legislation would allow fees to be increased at certain parks. The increased revenue, however, is not intended to supplement existing funds, but generate new revenue which would allow the Park System to allocate resources to areas that would damage or destroy the scenic, natural or cultural resources of the National Park System, which are of indigenous origin, unique superlative 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.

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February 25, 1986

CONGRESSIONAL RECORD—SENATE S 1563

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CONGRESSIONAL RECORD — SENATE

February 25, 1986

\section{TITLE II}

\section{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" and by inserting in lieu thereof "Entrance or admission fees may be";

(2) amending paragraph (1) of subsection (a) by striking "$10" and inserting in lieu thereof "$25";

(3) amending subsection (d) by adding at the end thereof the following: "It is the intent of Congress that fees collected at the entrance to a federally owned area—not be considered an access fee, but a fee for the services and facilities provided within the area which is merely collected, for convenience, at the entrance. Fees collected pursuant to this Act should not have the purpose of making federal recreation areas self-sufficient, but should be considered supplementary to, rather than in substitution of, Federal appropriations for the operation and maintenance of these units. Fees collected should not be used to offset or reduce appropriated funds, but to augment or expand existing programs;"; and

(4) amending subsection (f) by (1) inserting "nor against the Secretary where there is 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 action under this section respecting an emergency posing a significant risk to the well-being of any natural or cultural resources of the National Park System.

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

(4) 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.

(5) The court, in issuing any final order in any suit brought pursuant to paragraph (1) of this subsection, may award costs to litigation (including reasonable attorney and expert witness fees) to any party, whenever the court determines such award is appropriate.

(6) The injunctive relief provided by this subsection shall not restrict any right which 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).

\section{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 lands may also be used to carry out the provisions of this Act.

\section{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 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 action under this section respecting an emergency posing a significant risk to the well-being of any natural or cultural resources of the National Park System.

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

(4) 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.

(5) The court, in issuing any final order in any suit brought pursuant to paragraph (1) of this subsection, may award costs to litigation (including reasonable attorney and expert witness fees) to any party, whenever the court determines such award is appropriate.

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