

NLWJC - Kagan

DPC - Box 023 - Folder 008

Environment - Parks

THE WHITE HOUSE
WASHINGTON

June 18, 1996

MEMORANDUM FOR BRUCE REED

cc: Elena Kagan, Tom Freedman

FROM: Paul Weinstein
Tony Castaneda

SUBJECT: National Park System Wilderness Preservation Act

BACKGROUND

During the President's Earthday Message last year, he announced several significant environmental initiatives, including the *Parks for Tomorrow* plan. The plan included the revitalization of legislative action to designate 17 national parks across the country as "wilderness", thereby protecting them from further development such as inappropriate road or facility construction. This legislation, The National Park System Wilderness Preservation Act, complies with current National Park Service (NPS) policy that orders areas being considered for designation as wilderness to be treated as such, but the enactment of the legislation would provide legal protection and reinforcement of the NPS's current policy towards these lands. Future administrations or directors of the NPS could easily change the policy, but this act would secure the protection of these parks. Although this legislation has been proposed numerous times by former Presidents and stalled in Congress, it is the NPS's position that the legislation failed not due to the merits of the bill, but because it was never a priority of an administration.

In the *Parks For Tomorrow* plan, the President directed Secretary Babbitt to work with Congress to make changes to the proposals and encouraged Congress to act on the legislation. However, no action was taken on the wilderness proposals during the 104th Congress, and since the announcement of the proposal several bottlenecks have emerged that have slowed the progress of this initiative. The NPS is currently without a director, and the legislation has yet to be finalized or submitted for review to the administration this year. However, the bill will be very similar to previous versions that were submitted in past years (bill summary attached), and last year's version easily received OMB clearance. No internal opposition is likely due to the legislation's directives mirroring the existing use of the land - the parks are presently de facto wilderness areas. It has traditionally been the Department of Interior's responsibility to submit the legislation to the President, but without a NPS director the advancement of the legislation could continue to be suspended.

PROPOSAL

The National Park Service has invited the President to speak at the 125th Anniversary of Yellowstone National Park on August 25, which would provide for an excellent stage to report any progress and push forward the legislation. The NPS suggested Senator Durbin or Representative Hinchey as good members to approach for the introduction of the bill. The NPS is currently waiting for an announcement on whether the President will attend the anniversary celebration, but a problem with the anniversary date of August 25th is that the President is currently scheduled to take vacation during that week.

RECOMMENDATION

We recommend that the President attend Yellowstone's 125th anniversary and announce that he is sending to Congress the National Park System Wilderness Preservation Act.

Section-by-Section Analysis

SECTION 1. Provides that the Act may be cited as the "National Park System Wilderness Preservation Act of 1997".

SECTION 2. Sets forth the findings and purpose of the act.

SECTION 3. Provides for designation of wilderness within the following 17 units of the National Park System:

(1) Creates Arches Wilderness by designating 54,450 acres as wilderness and 9,050 acres as potential wilderness within Arches National Park, Utah. Also provides for the use and maintenance of the underground gas pipeline presently operated by the El Paso Natural Gas Company.

(2) Creates Assateague Island Wilderness by designating 1,740 acres as wilderness and 4,760 acres as potential wilderness within Chincoteague National Wildlife Refuge and the Assateague Island National Seashore, Virginia and Maryland. Also provides that nothing shall be construed to diminish the authority of the Coast Guard, to use the area designated as the Assateague Wilderness for navigational, and maritime safety purposes.

(3) Creates Big Bend Wilderness by designating 533,900 acres as wilderness and 25,700 acres as potential wilderness within Big Bend National Park, Texas. Also provides for the use and maintenance of the Oak Spring underground water line and for a program of prescribed burning.

(4) Creates Bryce Canyon Wilderness by designating 16,313 acres as wilderness within Bryce Canyon National Park, Utah.

(5) Creates Canyonlands Wilderness by designating 287,985 acres as wilderness and 597 acres as potential wilderness within Canyonlands National Park, Utah.

(6) Creates Capitol Reef Wilderness by designating 179,815 acres as wilderness and 4,050 acres as potential wilderness within Capitol Reef National Park, Utah. Also provides for accommodation of proposed utility lines.

(7) Creates Cedar Breaks Wilderness by designating 4,370 acres as wilderness within Cedar Breaks National Monument, Utah.

(8) Creates Colorado Wilderness by designating 7,700 acres as wilderness within Colorado National Monument, Colorado.

(9) Creates Crater Lake Wilderness by designating 122,400 acres as wilderness within Crater Lake National Park, Oregon. Also provides for the establishment, use, and maintenance of hydrologic devices, and for a program of prescribed burning.

(10) Creates Cumberland Gap Wilderness by designating 6,375 acres as wilderness and 3,810 acres as potential wilderness within Cumberland Gap National Historical Park, Tennessee, Kentucky, Virginia.

(11) Creates Dinosaur Wilderness by designating 165,341 acres as wilderness and 10,274 acres as potential wilderness within Dinosaur National Monument, Utah, Colorado.

(12) Creates Glacier Wilderness by designating 927,550 acres as wilderness and 3,360 acres as potential wilderness within Glacier National Park, Montana 3,360. And provides for the following:

(A) Construction and maintenance of shelters, and for a program of prescribed burning, and maintenance and use of hydrologic devices.

(B) Deletes language from the park's enabling act that provided for railroad and

reclamation project right-of-ways.

(C) Protection of right-of-way or claims which the Blackfeet Tribe of Indians may have within or in the vicinity of Glacier National Park.

(13) Creates Grand Teton Wilderness by designating 115,807 acres as wilderness and 20,850 acres as potential wilderness within Grand Teton National Park, Wyoming. Also provides for the use and maintenance of patrol cabins, and provides for the use of necessary manipulative techniques in order to maintain or restore natural ecological conditions.

(14) Creates Great Smoky Mountains Wilderness by designating 390,500 acres as wilderness and 400 acres as potential wilderness within Great Smoky Mountains National Park, Tennessee, North Carolina. Also provides for a program of prescribed burning, and utilization of motorized vehicles and equipment to maintain the Appalachian Trail.

(15) Creates Rocky Mountain Wilderness by designating 239,835 acres as wilderness and 479 acres as potential wilderness within Rocky Mountain National Park, Colorado. Also provides for the following:

(A) Construction and maintenance of shelters and sanitary facilities and use and maintenance of underground telephone lines, and for a program of prescribed natural burning.

(B) Deletes language from the park's enabling act that provided for reclamation project right-of-ways.

(16) Creates Yellowstone Wilderness by designating 2,016,181 acres as wilderness and 6,040 acres as potential wilderness within Yellowstone National Park, Idaho, Wyoming, Montana. Also provides for the establishment and maintenance of hydrologic devices; the use of necessary manipulative techniques in order to maintain or restore natural or ecological conditions; use and maintenance of fire towers, patrol cabins, and microwave reflectors; and authorizes the use and maintenance of research cabins and fish traps.

(17) ZION WILDERNESS.-- Designates 120,620 acres as wilderness and 9,040 acres as potential wilderness within Zion National Park, Utah. Also provides for a program of prescribed burning.

SECTION 3. Provides that the lands designated as wilderness by this Act are withdrawn from mining subject to the exercise of valid existing rights.

SECTION 4. Provides for the filing of maps and legal descriptions within one year of enactment.

SECTION 5. Provides that the areas designated by the Act as wilderness shall be administered by the Secretary of the Interior in accordance with the Wilderness Act.

File -
Environment -
Parks

AMERICAN CONSERVATION ASSOCIATION, INC.

30 ROCKEFELLER PLAZA, NEW YORK, N.Y. 10112

January 31, 1997

The President
The White House
Washington, D.C. 20500

Dear Mr. President:

Our parks are in peril but—like Theodore Roosevelt—you have a grand opportunity. That is what leading park advocates who write you this letter believe. We stand ready, along with all Americans who care about parks, to work with you. Strong leadership is essential to saving parks from accelerating threats and deterioration. We look to you—and so does history.

This letter is being written to you by members of the Executive Committee of the American Conservation Association. In order to provide the best advice possible, we convened a group of experienced and knowledgeable people to help us. The group included former Governor and Secretary of the Interior Cecil Andrus, Knoxville Mayor and former President of the U.S. Conference of Mayors Victor Ashe, state natural resource and park leaders, as well as heads of national park and historic organizations. A list of the group is attached.

We address the issue of parks broadly—not only in the sense of traditional national, state, and local parks, but also in terms to include greenways, open space, and historical and cultural resources. Those resources are part of what defines the American character, and our failure to cherish these places is a reflection on that character.

The problems are very real. The basic federal program to help states and local governments acquire and develop their park systems, the Land and Water Conservation Fund, has provided little or no assistance for almost a decade. This is a shortsighted breach of the promise made to the American people when the outer continental shelf oil drilling revenues were dedicated to the Fund. And how can it be that the state assistance program under the Fund, which has supported the creation of thousands of local parks and recreational facilities, may receive no funding at all in the Administration's FY98 budget request? The national park system has long suffered from under-funding of its basic mission. There is a backlog of several billion dollars needed for significant restoration and resource protection.

The result is that not only the national park system but state and local park systems do not perform the role in American life they should. There is an ominous problem—visitation has soared

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and budgets have fallen. The results are loss of urban open space, reduction of scarce wildlife habitat, loss of much needed outdoor healthy recreation opportunities for young people with a resulting increase in crime and despair.

We believe that despite the very stringent budget constraints which the nation faces, there is now a window of opportunity to help restore and expand a national system of parks. Every measure of public opinion indicates that the environment is high on the list of public priorities. In particular, parks are cherished. The recent victories of bond issues to buy additional lands in New York, California, and other states support this conclusion. The recent creation of the Americans for our Heritage and Recreation advocacy group at Asilomar, California brings together for the first time national, state and local grassroots organizations in support for funding for national and local parks through the Land and Water Fund and other measures. The growth and activity of local land trusts, which now number well over 1,100 across the country, also bespeaks the public concern and interest.

Many, if not most, of the needed tools are in place. The Land and Water Conservation Fund, if fully appropriated, can be an effective mechanism of recycling one publicly owned nonrenewable resource--offshore oil--into another much needed one--parks. The Intermodal Surface Transportation Efficiency Act has been and should continue to be an extremely important source of support for parks associated with transportation. The Department of Agriculture has important conservation programs, as does the Department of Housing and Urban Development. The challenge is to focus and make the most of these tools to save America's endangered system of parks.

Parks should be a truly bipartisan issue. Many Republicans in Congress appear willing to work with the Administration. Senator Murkowski has announced that the Senate Resources Committee will be holding workshops and hearings on parks issues later this year, Speaker Gingrich is a potential ally for the efforts of Americans for our Heritage and Recreation. Many Republicans were on record in support of state and local environmental protection measures decided last November.

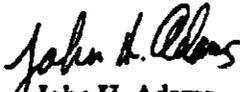
Specifically, we urge you to initiate a review of America's system of parks to determine what the needs are and how they can best be addressed not only by the federal government but by state and local governments and private organizations as well. We urge that you create a government-wide task force to review the crisis and make recommendations to you and to the Congress. We envision this to be a short-term effort lasting no longer than six months in time for the next federal budget cycle. Data is readily available from existing organizations, government agencies, and past reviews. We urge that this task force include participation other levels of government and the public through a series of hearings held in regions across the country. The federal task force should be led by the Secretary of the Interior but should include other federal

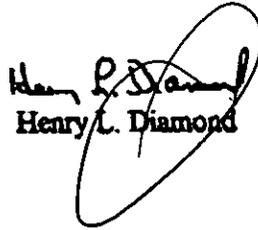
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departments that have a strong, though often under-recognized, role in providing park opportunities such as the Department of Agriculture, the Department of Housing and Urban Development, the Department of Transportation, the Department of Defense, and the Tennessee Valley Authority.

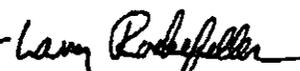
This effort might well be initiated by a Presidential message on Earth Day in April or sooner on the importance of parks in our national life and the commitment of your administration to assure that they can play the role they must. We, of course, stand ready to assist you in this effort in any way you or your associates would find useful. We will be pleased to meet with you or with whomever you direct.

Sincerely,


John H. Adams


Henry L. Diamond


Patrick F. Noonan


Larry Rockefeller

**List of Participants
January 17, 1997**

**Cecil Andrus
Andrus Center for Public Policy
at Boise State University**

**Victor Ashe
Mayor, City of Knoxville**

**Dan Beard
National Audubon Society**

**Frances Beinecke
Natural Resources Defense Council**

**Robert L. Bendick, Jr.
The Nature Conservancy**

**Steve Blackmer
Appalachian Mountain Club**

**Chuck Chusen
Natural Resources Defense Council**

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**Gilbert M. Grosvenor
Chairman, National Geographic Society**

**Jean W. Hocker
President, Land Trust Alliance**

**Fred I. Kent, III
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**Fran P. Mainella
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