U. S. SENATE

# Republican Policy Committee

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*U.N. Reinforcements Called In*

## Clinton's War On the West Continues. . .

Apparently, Secretary of the Interior Bruce Babbitt believes there is more than one way to skin a cat. Unable to convince the citizens of Montana and Wyoming that it is in the national interest to lock up millions of additional acres of land around Yellowstone National Park, he brought in the United Nations. On December 5, 1995, Secretary Babbitt received an eagerly sought statement of support from the World Heritage Committee of United Nations Educational, Scientific and Cultural Organization (UNESCO) for the Administration's interest in creating a buffer zone around Yellowstone National Park.

This outside intervention arrives at a time when Babbitt is not finding it convenient to personally visit the interior Western States to pursue his land-lockup agenda. Although Babbitt has been on the road for over 100 days this year [*Greenwire*, 12/4/95] demonizing congressional Republicans' natural resource and environmental legislation, he is reported to have made relatively few trips to the interior Western States. Instead, he has been concentrating on more liberal audiences on the East and West Coasts who are only negligibly affected by his Department's anti-people policies.

## U.N. Recommendation Curried

In September 1995, Babbitt's department opened its arms to the UNESCO's World Heritage Committee during the committee's visit to Montana. Babbitt even tried to pay all the expenses for the U.N. delegation to visit Yellowstone, a move blocked by Montana Senator Conrad Burns.

Since taking office, President Clinton has been interested in securing a buffer zone around the Yellowstone National Park. A primary justification for the buffer zone effort has been to prevent the siting of the proposed Crown Butte gold mine. Opponents of the mine have claimed it will pollute the water and adversely affect the resources in the park. Despite the proximity of the proposed mine site — four miles

from the northeast corner of the park — it is separated by a 10,000-foot mountain range, and **water from the mine site does not flow into the park.**

Having run into solid local opposition to his buffer-zone proposal, Babbitt sought reinforcements from the United Nations group. During his visit to the Yellowstone area, Adul Wichlenscharoen, president of the World Heritage Committee, is reported as saying, "Some 12 million acres of national forest and wilderness that surround Yellowstone must be considered an extension of the national park if the whole system is to be preserved" [*Billings Gazette*, 9/10/95]. However, in addition to the adjacent Forest Service and wilderness lands, thousands of acres of private lands also neighbor the park.

On December 5, 1995, the World Heritage Committee followed up its September visit by listing Yellowstone National Park on the committee's list of World Heritage sites that are "in danger." The official statement explained only that the decision was based on "both ascertained dangers and potential dangers." Based on observations made by the members of the committee that visited Yellowstone in September, the "ascertained dangers" refer to tourism and wildlife management issues, and the "potential dangers" relate primarily to the proposed Crown Butte gold mine.

The committee's concerns about the gold mine appear premature since it has yet to be approved by the Forest Service, which is not expected to act until a full Environmental Impact Statement is completed; and nor has the gold mine received all the necessary permits from the State of Montana. Moreover, it is unfortunate that the UNESCO committee's report neglected to include a discussion of providing financial assistance to the National Park Service for both just compensation to private landowners in the buffer zone, or of providing funding for additional Park Service studies and management personnel.

On December 5, Senator Burns stated:

> *"This is a thinly veiled attempt to push a radical environmental agenda upon Westerners and all Americans who enjoy Yellowstone National Park. . . . I am very disappointed with Interior Secretary Bruce Babbitt's department for failing to oppose these actions by the World Heritage Committee."*

## Biological Convention Would Give Potency to Such U.N. Statements

During the 103d Congress, the Clinton Administration signed, then aggressively pushed for congressional approval of the Convention on Biological Diversity, a convention President George Bush refused to commit the United States

to during and after the United Nations Conference on Environment and Development ("Earth Summit") in Rio de Janeiro, Brazil, in June of 1992. Yet, if the Biological Diversity Convention were ratified, ***such statements as the UNESCO committee's regarding the problems in America's oldest national park could have legal repercussions, particularly for state and local land use and permitting decisions.***

The relevance of the U.N. World Heritage Committee's declaration derives from the 1972 World Heritage Convention, which was ratified by the U.S. Senate in 1973. While this convention is being used to further the Administration's elitist land-use goals, the recommendations of the World Heritage Committee are not binding on the United States government or its people. Clearly, the Clinton Administration — and the U.N. staff — view this lack of U.N. control as a deficiency.

Despite the Administration's efforts to the contrary, the ratification effort has been unsuccessful. Yet, if it were ratified by Congress, the Biological Diversity Convention would permit any litigant to bring into Federal Court challenges to state and local land use decisions, such as zoning or permits, alleging the local actions are contrary to the expansive and vague language of the Convention. For example, the Convention requires parties to manage biological resources "important for the conservation of biological diversity whether within or outside protected areas, with a view to ensuring their conservation and sustainable use."

The ratification of the Biological Diversity Convention was objected to by many Senators of the then-Minority party, who recognized that the terms of the Convention would deny the Senate the opportunity to ratify subsequent amendments made to the Convention by the ultra-liberal Conference of Parties.

Whereas the statement of the World Heritage Committee may be intrusive and annoying, it is not binding on the State of Montana or the National Park Service. However, if the Biological Diversity Convention were ratified, the legal repercussions could become much more than an annoyance.

## Clinton Rejected Effort to Improve Park Management

While the World Heritage Committee's concerns over the nearby gold mine is premature, its observations of the wildlife management problems and visitor impacts have some validity. Most observers agree the park is over-grazed by elk, has too many buffalo, and is not maintaining its tourist infrastructure.

The Majority Party in Congress has long recognized the pressures on the National Park System, and the limited resources available to properly manage wildlife and provide adequate infrastructure for park visitors. For example, in former

Senator Malcolm Wallop's floor statement prior to the cloture vote on the conference report on the California Desert Protection Act (now Public Law 103-433), Senator Wallop, then Ranking Minority Member on the Senate Energy Committee, urged his colleagues to reject the conference report, which would require the purchase of 500,000 additional acres of private property, to be added to the "37-year backlog" which amounts to "$8 or $9 billion" of purchases already on the rolls. He noted the additional resources for California deserts would make it harder for Congress to obtain the "$500 million to put the roads in Yellowstone Park just back into condition" [*Cong. Rec.* S-124967, 10/8/94].

And, as Senator Larry Craig asked that same morning:

> *"I hope that if we want to add to our parks that we would first listen to the clarion call of the Senator from Wyoming who, for the last many years, has said we keep adding land but we put no money with it, and, therefore, we only dilute the very parks we have."* [*Cong. Rec.* S14965].

The FY 1996 Interior and Related Agencies conference report provided a funding level for the National Park Service that is the same as last year's level, despite a budget allocation for the subcommittee that was 10 percent below FY 1995.

Ironically, the day after the World Heritage Committee released its concerns over Yellowstone's future, President Clinton vetoed the bill that could dramatically improve overall funding for the nation's park system. The Balanced Budget Act of 1995 vetoed by President Clinton on December 6 contained three provisions for additional funding for National Parks. First, the bill contained a new entrance fee structure, with 80 percent of all new fees to go to the National Park System. In addition, the bill made changes to the park concession agreements, returning additional funds to the Treasury and the parks. Finally, the bill earmarked to the National Park Service 25 percent of all of the Treasury receipts from oil leasing bonuses for the Arctic National Wildlife Refuge (the remaining 75 percent split equally among wetlands, endangered species, and the Wildlife Refuges).

Perhaps if Secretary Babbitt were not so busy campaigning against the Congress, he might advise his boss to agree to the Balanced Budget Act, and thereby increase the economic well being of Americans, and also America's ability to improve the wildlife and infrastructure deficiencies that currently plauge our finest parks.

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