

Ms. MARKEY of Colorado. Madam Speaker, I rise today to urge my colleagues to vote for House Resolution 1020, to honor the 95th anniversary of President Woodrow Wilson signing the Rocky Mountain National Park Act. And I thank my colleague for his offer of slides. I represent this beautiful district, and I also welcome anyone to come and visit Colorado and see for yourself this crown jewel of the West. This legislation set aside roughly 360 square miles of the southern Rockies to establish Rocky Mountain National Park. When the National Park Service was established the following year in 1916, the park was one of the original 12 parks transferred to the agency's control. Today the Rocky Mountain National Park remains one of Colorado's most treasured destinations, and is consistently one of the top 10 visited national parks in the United States.

Rocky Mountain National Park truly embodies the spirit of the conservation and preservation movement at the turn of the century. The park's ecosystems range from the montane low lands to the alpine tundra and includes a diverse range of flora and fauna. Rocky Mountain National Park also remains one of the largest examples of the alpine tundra ecosystem in the national park system in the lower 48 States and offers invaluable opportunities for visitors to learn and enjoy the great outdoors. On March 30, 2009, 405 square miles of the park were designated as a wilderness area, thereby conferring the highest level of conservation protection for Federal lands.

President Theodore Roosevelt once said, "Of all the questions which can come before this Nation, short of the actual preservation of its existence in a great war, there is none which compares in importance with the great central task of leaving this land even a better land for our descendants than it is for us." This week we celebrate the foresight of so many Coloradans to conserve this majestic landscape for the present and future generations to come.

I urge all Members to support this resolution.

Mr. LAMBORN. Madam Speaker, I rise today to commemorate the 95th anniversary of the signing of the Rocky Mountain National Park Act and I commend the gentle lady from the Fourth District of Colorado for introducing this resolution. President Woodrow Wilson established Rocky Mountain National Park on January 26th, 1915, and preserved the acreage to be enjoyed by millions of visitors each year.

The Rocky Mountain National Park displays the majesty of Colorado, and some of the Nation's most striking scenery. As the country's highest National Park in elevation—with over 60 peaks reaching over 12,000 feet—the Rocky Mountain National Park is among the ten most visited national parks in the United States, drawing an average of 3 million visitors each year. The Continental Divide and headwaters for the Colorado River lie within the Park's boundaries, creating stunning vistas.

I am a frequent visitor of the Rocky Mountain National Park. Located in the Park is Trail

Ridge Road. According to the National Park Service, it is the highest continuous motorway in the United States, with more than 8 miles lying above 11,000 feet and a maximum elevation of 12,183 feet.

Like my fellow Coloradans, I am proud our State hosts this property, and would recommend my colleagues plan a visit to enjoy the magnificent natural beauty and plentiful recreational opportunities. It is a memorable experience our Nation is preserving for future generations. I commend the work of committed staff at the National Parks Service for preserving and facilitating ongoing access to this true national treasure. Rocky Mountain National Park is truly one of the crown jewels in our National Park System.

Mr. HASTINGS of Washington. Madam Speaker, I yield back the balance of my time.

Mrs. CHRISTENSEN. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) that the House suspend the rules and agree to the resolution, H. Res. 1020.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mrs. CHRISTENSEN. Madam Speaker, on that I demand the yeas and nays. The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### IDAHO WILDERNESS WATER FACILITIES ACT

Mr. RAHALL. Madam Speaker, pursuant to House Resolution 1038, I call up the bill (H.R. 4474) to authorize the continued use of certain water diversions located on National Forest System land in the Frank Church-River of No Return Wilderness and the Selway-Bitterroot Wilderness in the State of Idaho, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 1038, the bill is considered as read.

The text of the bill is as follows:

H.R. 4474

*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 "Idaho Wilderness Water Facilities Act".

#### SEC. 2. TREATMENT OF EXISTING WATER DIVERSIONS IN FRANK CHURCH-RIVER OF NO RETURN WILDERNESS AND SELWAY-BITTERROOT WILDERNESS, IDAHO.

(a) AUTHORIZATION FOR CONTINUED USE.—The Secretary of Agriculture is authorized to issue a special use authorization to each of the 20 owners of a water storage, transport, or diversion facility (in this section referred to as a "facility") located on National Forest System land in the Frank Church-

River of No Return Wilderness or the Selway-Bitterroot Wilderness (as identified on the map titled "Unauthorized Private Water Diversions located within the Frank Church River of No Return Wilderness", dated December 14, 2009, or the map titled "Unauthorized Private Water Diversions located within the Selway-Bitterroot Wilderness", dated December 11, 2009) for the continued operation, maintenance, and reconstruction of the facility if the Secretary determines that—

(1) the facility was in existence on the date on which the land upon which the facility is located was designated as part of the National Wilderness Preservation System (in this section referred to as "the date of designation");

(2) the facility has been in substantially continuous use to deliver water for the beneficial use on the owner's non-Federal land since the date of designation;

(3) the owner of the facility holds a valid water right for use of the water on the owner's non-Federal land under Idaho State law, with a priority date that predates the date of designation; and

(4) it is not practicable or feasible to relocate the facility to land outside of the wilderness and continue the beneficial use of water on the non-Federal land recognized under State law.

(b) TERMS AND CONDITIONS.—

(1) EQUIPMENT, TRANSPORT, AND USE TERMS AND CONDITIONS.—In a special use authorization issued under subsection (a), the Secretary is authorized to—

(A) allow use of motorized equipment and mechanized transport for operation, maintenance, or reconstruction of a facility, if the Secretary determines that—

(i) the use is necessary to allow the facility to continue delivery of water to the non-Federal land for the beneficial uses recognized by the water right held under Idaho State law; and

(ii) after conducting a minimum tool analysis for the facility, the use of nonmotorized equipment and nonmechanized transport is impracticable or infeasible; and

(B) preclude use of the facility for the storage, diversion, or transport of water in excess of the water right recognized by the State of Idaho on the date of designation.

(2) ADDITIONAL TERMS AND CONDITIONS.—In a special use authorization issued under subsection (a), the Secretary is authorized to—

(A) require or allow modification or relocation of the facility in the wilderness, as the Secretary determines necessary, to reduce impacts to wilderness values set forth in section 2 of the Wilderness Act (16 U.S.C. 1131) if the beneficial use of water on the non-Federal land is not diminished; and

(B) require that the owner provide a reciprocal right of access across the non-Federal property, in which case, the owner shall receive market value for any right-of-way or other interest in real property conveyed to the United States, and market value may be paid by the Secretary, in whole or in part, by the grant of a reciprocal right-of-way, or by reduction of fees or other costs that may accrue to the owner to obtain the authorization for water facilities.

The SPEAKER pro tempore. The gentleman from West Virginia (Mr. RAHALL) and the gentleman from Washington (Mr. HASTINGS) each will control 30 minutes.

The Chair recognizes the gentleman from West Virginia.

GENERAL LEAVE

Mr. RAHALL. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to

revise and extend their remarks and insert extraneous material on H.R. 4474.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. RAHALL. I yield myself such time as I may consume.

Madam Speaker, I rise today in strong support of H.R. 4474, introduced by our colleagues, Mr. WALT MINNICK and MIKE SIMPSON of Idaho. This bill would authorize the continued use of certain water diversions located in wilderness areas on national forest system land in the Frank Church-River of No Return Wilderness and the Selway-Bitterroot Wilderness in the State of Idaho. Predating the existence of the two wilderness areas, private land owners had received permits to maintain and repair these water diversions. The water is used for a combination of purposes, including drinking water for private cabins and ranches. Many of the permits have since expired, leaving those who own the water diversions without the ability to mechanically maintain the systems because they are located in designated wilderness. Under the terms of this legislation, the Secretary of Agriculture could only issue new permits if the owner demonstrates that the facility existed prior to the designated wilderness, the facility had been used to deliver water to the owner's land since the designation, the owner had a valid water right, and it would not be practical to move the facility out of the wilderness area.

This is narrowly tailored legislation designed to put in place a balanced reasonable solution to a specific conflict. Mr. MINNICK and Mr. SIMPSON are to be commended for working cooperatively and in a bipartisan fashion to craft this legislation.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, I will first speak to the merits of this legislation before focusing on the partisan reasons why the House is having to debate this bill and this legislation for a second week in a row. This bill was originally introduced by Mr. SIMPSON of Idaho to require the Forest Service to issue special use maintenance permits to owners of a small number of existing water systems in two Idaho wilderness areas. Although these water diversions continue to operate, their owners currently lack the authority to maintain and repair these facilities. Failure to maintain these facilities can harm not only those who depend on access to the water that these structures provide but also damage the environment and watersheds of the Forest Service land.

H.R. 4474 will allow the owners of the existing water systems to do the necessary maintenance. The legislation is narrowly tailored to apply only to a small number of sites that meet specific criteria. To qualify, the water diversion facility must have been in ex-

istence on the date that the area was designated as part of the National Wilderness Preservation System. It must have been in substantially continuous use since the date of that designation, and the owner of the facilities must hold a valid water right under Idaho law that predates the wilderness designation.

Additionally, sites can only be covered by the bill if it is not practical or feasible to relocate the facilities to land outside the wilderness area and continue the beneficial use of water recognized under State law.

This is a bill and policy that I believe merits strong support in this House. Congress needs to have a reasonable and commonsense approach to managing our Federal lands. Wilderness designations preclude such commonsense management. The restrictions on activity are so severe and inflexible, the designation is often applied to unsuitable lands, and problems and conflicts arise out of that designation.

And so here we are today. Congress must go back once again and fix the problems created by previous wilderness designation law. Congress needs to execute far more caution and care and forethought before designating wilderness areas, as the effects are to lock up these areas for human activity. We ought to be wise enough to devise sound conservation practices on our land without creating the unintended threats to neighboring families that poorly thought out wilderness designation can bring to many. There is no reason why we cannot be both good stewards and good neighbors.

So, Madam Speaker, as I said, this is a matter of good public policy, and I support the changes this legislation will make in the law. However, as a matter of how the Democrat leaders who control this House are choosing to operate this House, I object to the extreme partisan maneuvering surrounding this bill. Last week the House voted on this exact same bill, but there are only two differences between that bill and this bill. First, this is a new bill with a new number. And second, the lead sponsor is now a Democrat instead of a Republican. Last week this bill was H.R. 3538, sponsored by Republican MIKE SIMPSON of Idaho. Today the bill is numbered H.R. 4474, and the lead sponsor is Democrat WALT MINNICK of Idaho. So let me repeat. The bill is word for word the same that the House voted on last week, except the sponsorship has been switched so that a Democrat is now the prime sponsor.

Now, I have to say, Madam Speaker, this is truly a remarkable display of partisanship. First, Democrat leaders directed their Members to vote against this legislation last week because a totally separate piece of legislation failed to pass on the suspension calendar. And now these Democrat leaders are playing a partisan switcheroo in sponsorship of this bill so a Democrat gets credit for this bill's passing. I assume it's going to pass now that the

switcheroo has happened. I might add, by the way, that the area that we're talking about is in Mr. SIMPSON's district.

So, Madam Speaker, with unemployment in double digits, millions of Americans without jobs, and with record deficits set last year by a Democrat President and this Congress, one would think that this House would have more important things to do than to engage in such overt and obvious partisan tactics.

With that, Madam Speaker, I support the bill.

I reserve my time.

Mr. RAHALL. Madam Speaker, I yield myself 30 seconds. I do appreciate the manner which the gentleman from Washington, the ranking member, has stressed the bipartisan nature of this legislation. As he knows, in our Committee on Natural Resources, it's always our effort to improve a product the second time we consider it, and that's what we're doing here today with this legislation.

Madam Speaker, I yield such time as he may consume to the gentleman from Idaho (Mr. MINNICK), who has been so instrumental in bringing this legislation forward and worked so hard in crafting it.

Mr. MINNICK. I thank the chairman. And I would like to indicate that the partisanship which leads to this particular procedural process for bringing this bill back to the floor has nothing to do with the merits of the legislation. Congressman SIMPSON has done a great deal of work on these remote water systems that were ignored when two wilderness areas were protected, and exist in both of our districts, carefully crafting, as the ranking minority on the committee has stated, the Congressman from Washington, carefully crafting a very narrow bill which creates some exceptions that allow 22 land holders who have, since before these areas were created as wilderness, operated very simple gravity-fed water systems whose points of intake are now in wilderness because they're upstream, up small creeks in almost every incident, and who need to maintain these systems from time to time, occasionally using mechanical means.

Congressman SIMPSON looked and catalogued these 22 inholdings, drafted very carefully legislation to deal with this issue to correct the oversight. And the oversight was not the wilderness; it was just not considering the continued use of these private inholdings. The legislation will allow them to continue operating as they are in perpetuity. This is good legislation. It's good for Idaho. It's good for wilderness.

I want to congratulate my colleague on his diligence, and to urge my colleagues to support this remedial legislation.

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Mr. HASTINGS of Washington. I yield myself as much time as I may consume.

Madam Speaker, I wanted to respond to my distinguished chairman. It is true that we do have a lot of bipartisanship on our committee, and I appreciate the gentleman for making that point, and I am certainly doing everything on my part to ensure that that continues on. However, I will make the point we did have a hearing on H.R. 3538, the measure sponsored by Mr. SIMPSON.

We have not had a hearing, however, on H.R. 4474 which is before us today sponsored by Mr. MINNICK. I just wanted to point that out because we try to be in regular order as much as we possibly can, and I think that is worth pointing out.

So I would hope that this legislation does pass the House with strong bipartisan support. Maybe it will be able to send the signal that we can indeed work in a bipartisan way if only we change sponsorships of certain bills; but that remains to be seen, Madam Speaker, but I look forward to that time.

Mr. SIMPSON. Madam Speaker, I rise today in support of H.R. 4474, the Idaho Wilderness Water Resources Protection Act.

This bipartisan, non-controversial legislation is a technical fix intended to enable the Forest Service to authorize and permit existing historical water diversions within Idaho wilderness.

Last year, one of my constituents came to me for help with a problem. The Middle Fork Lodge has a water diversion within the Frank Church-River of No Return Wilderness Area that has existed since before the wilderness area was established and is protected under statute.

The diversion was beginning to leak and is in desperate need of repairs to ensure that it does not threaten the environment and watershed, but when the Forest Service began the process of issuing the Lodge a permit to allow them to make the necessary repairs, we discovered that the Forest Service did not have the authority to issue the required permit.

As we looked into this issue, we discovered that the Forest Service lacks this authority throughout both the Frank Church-River of No Return Wilderness and the Selway-Bitterroot Wilderness, where there are a number of these diversions. These diversions are primarily used to support irrigation and minor hydropower generation for use on non-Federal lands.

The damage to the water diversion at the Middle Fork Lodge is severe enough that the Forest Service had to do temporary emergency repairs last fall, but without authority to issue them the necessary special use permit, they will be unable to do the work needed to permanently fix the problem.

While the urgent situation at the Middle Fork Lodge brought this issue to my attention, it is obvious to me that this problem is larger than just one diversion. At some point in the future, all 20 of these existing diversions will need maintenance or repair work done to ensure their integrity.

H.R. 4474 authorizes the Forest Service to issue special use permits for 20 qualifying historic water systems in these wilderness areas. I believe it is important to get ahead of this problem and ensure that the Forest Service has the tools necessary to manage these lands.

For these reasons I have worked with my colleague, WALT MINNICK, to introduce H.R. 4474. This legislation allows the Forest Service to issue the required special use permits to owners of these historic water systems and sets out specific criteria for doing so.

Providing this authority will ensure that existing water diversions can be properly maintained and repaired when necessary and preserves beneficial use for private property owners who hold water rights under State law.

I have deeply appreciated the cooperation of the Forest Service in addressing this problem. Not only have they communicated with me the need to find a system-wide solution to this issue, but at my request they have worked with me on this legislation to ensure that it only impacts specific targeted historical diversions—those with valid water rights that cannot feasibly be relocated outside of the wilderness area.

H.R. 4474 is bipartisan and non-controversial. It is intended as a simple, reasonable solution to a problem that I think we can all agree should be solved as quickly as possible. I was encouraged that the bill passed out of Committee without objection, and I am hopeful that today we can pass it without delay so that the necessary maintenance to these diversions may be completed before the damage is beyond repair.

Mr. HASTINGS of Washington. I yield back my time.

Mr. RAHALL. I yield back the balance of my time, Madam Speaker.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 1038, the previous question is ordered on the bill.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### CASTLE NUGENT NATIONAL HISTORIC SITE ESTABLISHMENT ACT OF 2010

Mr. RAHALL. Madam Speaker, pursuant to House Resolution 1038, I call up the bill (H.R. 3726) to establish the Castle Nugent National Historic Site at St. Croix, United States Virgin Islands, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 1038, the amendment in the nature of a substitute printed in the bill is adopted and the bill, as amended, is considered as read.

The text of the bill, as amended, is as follows:

H.R. 3726

*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 "Castle Nugent National Historic Site Establishment Act of 2010".*

#### SEC. 2. DEFINITIONS.

*In this Act:*

(1) **HISTORIC SITE.**—The term "historic site" means the Castle Nugent National Historic Site established in section 3.

(2) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior.

#### SEC. 3. CASTLE NUGENT NATIONAL HISTORIC SITE.

(a) **ESTABLISHMENT.**—There is established as a unit of the National Park System the Castle Nugent National Historic Site on the Island of St. Croix, U.S. Virgin Islands, in order to preserve, protect, and interpret, for the benefit of present and future generations, a Caribbean cultural landscape that spans more than 300 years of agricultural use, significant archeological resources, mangrove forests, endangered sea turtle nesting beaches, an extensive barrier coral reef system, and other outstanding natural features.

(b) **BOUNDARIES.**—The historic site consists of the approximately 2,900 acres of land extending from Lowrys Hill and Laprey Valley to the Caribbean Sea and from Manchenil Bay to Great Pond, along with associated submerged lands to the three-mile territorial limit, as generally depicted on the map titled "Castle Nugent National Historic Site Proposed Boundary Map", numbered T22/100,447, and dated October 2009.

(c) **MAP AVAILABILITY.**—The map referred to in subsection (b) shall be on file and available for public inspection in the appropriate offices of the National Park Service, Department of the Interior.

(d) **ACQUISITION OF LAND.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the Secretary is authorized to acquire lands and interests in lands within the boundaries of the historic site by donation, purchase with donated or appropriated funds, or exchange.

(2) **U.S. VIRGIN ISLAND LANDS.**—The Secretary is authorized to acquire lands and interests in lands owned by the U.S. Virgin Islands or any political subdivision thereof only by donation or exchange.

#### SEC. 4. ADMINISTRATION.

(a) **IN GENERAL.**—The Secretary shall administer the historic site in accordance with this Act and with laws generally applicable to units of the National Park System, including—

(1) the National Park Service Organic Act (39 Stat. 535; 16 U.S.C. 1 et seq.); and

(2) the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.).

(b) **SHARED RESOURCES.**—To the greatest extent practicable, the Secretary shall use the resources of other sites administered by the National Park Service on the Island of St. Croix to administer the historic site.

(c) **CONTINUED USE.**—In order to maintain an important feature of the cultural landscape of the historic site, the Secretary may lease to the University of the Virgin Islands certain lands within the boundary of the historic site for the purpose of continuing the university's operation breeding Senepol cattle, a breed developed on St. Croix. A lease under this subsection shall contain such terms and conditions as the Secretary considers appropriate, including those necessary to protect the values of the historic site.

(d) **MANAGEMENT PLAN.**—Not later than three years after funds are made available for this subsection, the Secretary shall prepare a general management plan for the historic site.