

TO ENSURE THE CONTINUED ACCESS OF HUNTERS TO THOSE FEDERAL LANDS INCLUDED WITHIN THE BOUNDARIES OF THE CRATERS OF THE MOON NATIONAL MONUMENT IN THE STATE OF IDAHO PURSUANT TO PRESIDENTIAL PROCLAMATION 7373 OF NOVEMBER 9, 2000, AND TO CONTINUE THE APPLICABILITY OF THE TAYLOR GRAZING ACT TO THE DISPOSITION OF GRAZING FEES ARISING FROM THE USE OF SUCH LANDS, AND FOR OTHER PURPOSES

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APRIL 3, 2001.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. HANSEN, from the Committee on Resources,  
submitted the following

## REPORT

together with

## SUPPLEMENTAL VIEWS

[To accompany H.R. 601]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 601) to ensure the continued access of hunters to those Federal lands included within the boundaries of the Craters of the Moon National Monument in the State of Idaho pursuant to Presidential Proclamation 7373 of November 9, 2000, and to continue the applicability of the Taylor Grazing Act to the disposition of grazing fees arising from the use of such lands, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Strike all after the enacting clause and insert the following:

**SECTION. 1. SPECIAL MANAGEMENT REQUIREMENTS FOR FEDERAL LANDS RECENTLY ADDED TO CRATERS OF THE MOON NATIONAL MONUMENT, IDAHO.**

(a) **REDESIGNATION.**—The approximately 410,000 acres of land added to the Craters of the Moon National Monument by Presidential Proclamation 7373 of November 9, 2000, and identified on the map accompanying the Proclamation for administration by the National Park Service, shall, on and after the date of enactment of this Act, be known as the “Craters of the Moon National Preserve”.

(b) **ADMINISTRATION.**—

(1) **IN GENERAL.**—Except as provided by paragraph (2), the Craters of the Moon National Preserve shall be administered in accordance with—

(A) Presidential Proclamation 7373 of November 9, 2000;

(B) the Act of June 8, 1906, (commonly referred to as the “Antiquities Act”; 34 Stat. 225; 16 U.S.C. 431); and

(C) the laws generally applicable to units of the National Park System, including the Act entitled “An Act to establish a National Park Service, and for other purposes”, approved August 25, 1916 (16 U.S.C. 1 et seq.).

(2) **HUNTING.**—The Secretary of the Interior shall permit hunting on lands within the Craters of the Moon National Preserve in accordance with the applicable laws of the United States and the State of Idaho. The Secretary, in consultation with the State of Idaho, may designate zones where, and establish periods when, no hunting may be permitted for reasons of public safety, protection of the area’s resources, administration, or public use and enjoyment. Except in emergencies, any regulations prescribing such restrictions relating to hunting shall be put into effect only after consultation with the State of Idaho.

Amend the title so as to read:

A bill to redesignate certain lands within the Craters of the Moon National Monument, and for other purposes.

**PURPOSE OF THE BILL**

The purpose of H.R. 601, as ordered reported, is to redesignate certain lands within the Craters of the Moon National Monument, and for other purposes.

**BACKGROUND AND NEED FOR LEGISLATION**

The Craters of the Moon National Monument, located in Idaho, was established in 1924 by Presidential Proclamation for the purpose of protecting the unusual landscape of the Craters of the Moon lava field. This “lunar” landscape resembles that of the Moon and was described in the Presidential Proclamation that established it as “weird and scenic landscape peculiar to itself.” After 1924, the monument was expanded four times by Presidential Proclamation to include 53,440 acres.

On November 9, 2000, former President Clinton executed Presidential Proclamation 7373 to expand the boundaries of the monument to include an additional 661,287 acres. The Proclamation assigned approximately 410,000 acres of land previously managed by the Bureau of Land Management (BLM) to the administrative jurisdiction of the National Park Service. Before the inclusion of the expansion area in the national monument, these federal lands were open to hunting and grazing. The National Park Service historically disallows hunting and livestock grazing on lands under its jurisdiction unless specifically mandated by Congress. This bill seeks to obtain that mandate of approval from Congress.

The Proclamation contained the expressed intent to neither enlarge nor diminish the jurisdiction of the State of Idaho with respect to fish and wildlife management in the expansion area and stated that the laws, regulations and policies followed by the BLM in issuing and administering grazing permits or leases on lands under its jurisdiction would continue to apply. All fees collected on

lands managed by BLM are distributed as defined by the Taylor Grazing Act: 50 percent to the U.S. Treasury, 37.5 percent to the district BLM office from which the fees originated, and 12.5 percent to the local District Grazing Boards for range improvements. In contrast, the National Park Service retains all grazing fees generated from grazing activity on lands under its management. The loss of revenue has an adverse impact on the work of the local Grazing Districts. As introduced, H.R. 601 mandates that all grazing fees collected within the boundaries of the monument on both BLM and Park Service land would still be distributed as defined by the Taylor Grazing Act.

#### COMMITTEE ACTION

H.R. 601 was introduced on February 13, 2001, by Congressman Mike Simpson (R-ID). The bill was referred to the Committee on Resources and within the Committee to the Subcommittee on National Parks, Recreation and Public Lands. On March 13, 2001, the Subcommittee held a hearing on the bill. On March 22, 2001, the Subcommittee met to mark up the bill. Congressman Simpson offered an amendment in the nature of a substitute to address three concerns. First, the amendment struck all references to the disposition of grazing fees and the Taylor Grazing Act. Second, the amendment inserted language to ensure that the Secretary of the Interior has appropriate oversight, in cooperation and consultation with the State of Idaho, over hunting activity within the expanded area managed by the National Park Service. Finally, the amendment designated the expanded area under the jurisdiction of the National Park Service as a “national preserve” rather than a “national monument.” This change in designation will not affect the current management of the monument. The amendment in the nature of a substitute was adopted by voice vote. The bill, as amended, was then ordered forwarded to the Full Committee. On March 28, 2001, the Full Resources Committee met to consider the bill. No further amendments were offered and the bill, as amended, was ordered favorably reported to the House of Representatives by voice vote.

#### COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources’ oversight findings and recommendations are reflected in the body of this report.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 and Article IV, section 3 of the Constitution of the United States grant Congress the authority to enact this bill.

#### COMPLIANCE WITH HOUSE RULE XIII

1. *Cost of Legislation.*—Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that Rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill pre-

pared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. *Congressional Budget Act.*—As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. *General Performance Goals and Objectives.*— This bill does not authorize funding and therefore, clause 3(c)(4) of rule XIII of the Rules of the House of Representatives does not apply.

4. *Congressional Budget Office Cost Estimate.*—Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, March 29, 2001.*

Hon. JAMES V. HANSEN,  
*Chairman, Committee on Resources,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 601, a bill to redesignate certain lands within the Craters of the Moon National Monument, and for other purposes.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Megal Carroll.

Sincerely,

BARRY B. ANDERSON  
(For Dan L. Crippen, Director).

Enclosure.

*H.R. 601—A bill to redesignate certain lands within the Craters of the Moon National Monument, and for other purposes*

CBO estimates that implementing H.R. 601 would not significantly affect the federal budget. The bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. H.R. 601 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The Craters of the Moon National Monument in Idaho comprises more than 700,000 acres of land and is jointly administered by the National Park Service (NPS) and the Bureau of Land Management (BLM). The bill would redesignate about 410,000 acres of land within that monument as a national preserve. Based on information from the NPS and BLM, we estimate that redesignating those lands would not significantly affect the agencies' costs. The bill also would direct the Secretary of the Interior to allow hunting within the proposed preserve. According to the agencies, that change would not affect federal spending or receipts.

The CBO staff contact for this estimate is Megan Carroll. This estimate was approved by Robert A. Sunshine, Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

## SUPPLEMENTAL VIEWS

Resource Committee Democrats did not object to, and in fact, supported consideration of H.R. 601 because it represents a technical amendment to the recently expanded Craters of the Moon National Monument. The legislation in no way seeks to repudiate the November 9, 2000 action taken by President Clinton to expand the national monument.

In this regard, H.R. 601 simply allows hunting, a traditional use of the expanded area, to continue. Except for hunting, no other change is made or contemplated to the management of the significant natural resources of the Craters of the Moon area.

Craters of the Moon National Monument was initially established by Proclamation of President Coolidge in 1924 and is administered by the National Park Service (NPS). The 661,287 acres of additional Federal lands added to the monument by President Clinton had been managed by the Bureau of Land Management (BLM) and hunting was permitted on these lands. Under the November 9, 2000 Proclamation, the NPS now manages approximately 410,000 acres of the expansion area which contain nationally significant exposed lava flows while the BLM continues to administer the remaining 251,287 acre portion of the expanded monument.

While hunting can continue on the BLM-managed portion of the expanded area, this activity is normally not allowed in national monuments administered by the NPS. As such, it is not allowed on the NPS-managed portion of the expanded area.

H.R. 601 addresses this minor discrepancy by redesignating the approximately 410,000 acre expansion area that the NPS manages as the "Craters of the Moon National Preserve." This change is consistent with previous Acts that permitted hunting in national park system units. Except for hunting, the preserve will be managed exactly the same as the original Craters of the Moon National Monument.

This bill in no way reflects a rollback of the national monument designations or expansions made by President Clinton nor does it signal the acquiescence of Committee Democrats to any such move.

NICK RAHALL.

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