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REDESIGNATING LANDS WITHIN THE CRATERS OF THE MOON NATIONAL MONUMENT

JUNE 26, 2002.—Ordered to be printed

Mr. BINGAMAN, from the Committee on Energy and Natural
Resources, submitted the following

R E P O R T

[To accompany H.R. 601]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 601) to redesignate certain lands within the Craters of the Moon National Monument, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the Act do pass.

PURPOSE

The purpose of H.R. 601 is to redesignate certain lands added to Craters of the Moon National Monument in Idaho by Presidential Proclamation 7373 as Craters of the Moon National Preserve.

BACKGROUND AND NEED

Craters of the Moon National Monument was established by President Coolidge in 1924 under the authority of the Antiquities Act. The monument protects the unusual landscape of a lava field that was thought to resemble that of the moon. President Coolidge's proclamation described the area as a "weird and scenic landscape peculiar to itself." Craters of the Moon includes the most diverse and geologically recent part of the lava terrain that covers the southern Snake River Plain that last erupted during the past 5 million years.

Since its creation in 1924, the monument has been expanded several times by presidential proclamation. The monument's boundary was also modified legislatively by the Omnibus Parks and Public Lands Management Act of 1996.

On November 9, 2000, President Clinton issued Presidential Proclamation 7373, which added 661,287 acres to the monument.

The lands added to monument had previously been administered by the Bureau of Land Management (BLM). The proclamation directed that the National Park Service manage approximately two-thirds of the lands added, or 410,000 acres. The BLM retained management authority over the remaining 251,000 acres.

H.R. 601 addresses the issue of hunting on certain Federal lands within the expanded monument. Prior to their inclusion in the monument, the BLM allowed hunting on the Federal lands in question. However, the National Park Service does not allow for hunting within units of the National Park System—including National Monuments—unless specifically mandated by Congress. Generally, those units where hunting is permitted are designated as National Preserves.

H.R. 601 would redesignate the 410,000 acres added to the monument under National Park Service management as a National Preserve where hunting would be authorized. The bill does not affect other portions of the monument. Hunting will be allowed on the BLM administered lands and hunting will be prohibited within the original monument boundaries managed by the National Park Service.

LEGISLATIVE HISTORY

H.R. 601, sponsored by Representative Simpson, passed the House of Representatives by a voice vote on May 1, 2001. No companion bill has been introduced in the Senate. The Subcommittee on National Parks held a hearing on H.R. 601 on July 31, 2001. The Committee on Energy and Natural Resources ordered H.R. 601 favorably reported at its business meeting on June 5, 2002.

COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on June 5, 2002, by a voice of a quorum present, recommends that the Senate pass H.R. 601.

SECTION-BY-SECTION ANALYSIS

Section 1(a) redesignates approximately 410,000 acres of land added to Craters of the Moon National Monument by President Proclamation 7373 as Craters of the Moon National Preserve.

Subsection (b)(1) provides that the preserve shall be managed in accordance with the proclamation, the Antiquities Act, and other laws generally applicable to units of the National Park System, including the National Park Service Organic Act of 1916.

Subsection (b)(2) provides for hunting within the Preserve consistent with State and Federal law.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the costs of this measure has been provided by the Congressional Budget Office:

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.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 601. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of H.R. 601.

EXECUTIVE COMMUNICATIONS

The testimony provided by the National Park Service at the subcommittee hearing follows:

STATEMENT OF DENIS P. GALVIN, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR.

Mr. Chairman, members of the subcommittee, I appreciate the opportunity to appear before you today to present the views of the Department of the Interior on H.R. 601, a bill to redesignate certain lands within Craters of the Moon National Monument.

The Department supports H.R. 601. The House-passed bill would redesignate the NPS portion of the monument expansion as a national preserve and authorize the Secretary to permit hunting on those lands. The effect, therefore, would be to restore hunting to lands on which it had been allowed when they were under the jurisdiction of the Bureau of Land Management. Designation as a national preserve is appropriate in this case because the category was established for units of the National Park System that are created primarily for the protection of certain resources, while activities such as hunting may still be allowed if they do not jeopardize the natural values.

Craters of the Moon National Monument was established by Proclamation of President Calvin Coolidge in

1924 for the purpose of protecting the unusual landscape of the Craters of the Moon lava field. This unusual landscape was thought to resemble the surface of the Moon and the Proclamation stated that the area “contains many curious and unusual phenomena of great educational value and has a weird and scenic landscape peculiar to itself.” Between 1924 and 1962, the monument was expanded and boundary adjustments were made through four presidential proclamations. In 1996, a minor boundary adjustment was made by section 205 of the Omnibus Parks and Public Lands Management Act of 1996 (110 Stat. 4093; Public Law 104–333). On November 9, 2000, President Clinton’s proclamation expanded the 53,440-acre monument by adding approximately 661,287 acres of federal lands.

The expanded monument includes almost all the features of basaltic volcanism, including the craters, cones, lava flows, caves, and fissures of the 65-mile long Great Rift, a geological feature that is comparable to the great rift zones of Iceland and Hawaii. It comprises the most diverse and geologically recent part of the lava terrain that covers the southern Snake River Plain, a broad lava plain made up of innumerable basalt lava flows that erupted during the past 5 million years.

Prior to the recent proclamation, Craters of the Moon National Monument was managed solely by the National Park Service. The expansion area of the monument, however, consists of lands that had been administered by the Bureau of Land Management. The proclamation gives both agencies responsibilities for administering the monument cooperatively. The National Park Service has the primary management responsibility for the old monument, plus the approximately 400,000-acre portion of the expansion area that consists of exposed lava flows. The Bureau of Land Management is responsible for administering the remaining portion of the monument.

The proclamation specified that the NPS portion of the monument expansion is to be managed under the same laws and regulations that applied to the original monument. Since hunting has not been authorized in the original Craters of the Moon National Monument, the effect of the proclamation was to prohibit hunting in the NPS portion of the monument expansion. However, the Department supports a clarification of this language to allow the continued use of the lands in the expanded monument area for hunting. Hunting in the portion of the monument administered by the Bureau of Land Management is not affected.

Furthermore, although the proclamation specifies that the National Park Service has jurisdiction over the exposed lava flows, the on-the-ground reality is that there is not a precise delineation between areas of vegetation and areas of bare rock, making it difficult in many cases to determine the exact location of the boundary. For the average visitor or hunter, it would be difficult, if not impossible

to distinguish whether they were on BLM lands or NPS lands, at least in the vicinity of the jurisdictional boundaries.

The Department also recognizes that legislation to provide the authority for hunting within the NPS-managed portion of the monument expansion would give the Superintendent the ability to work cooperatively with the State of Idaho on issues concerning adjacent landowners. For example, hunting could be used as a tool in mitigation agricultural depredation caused by elk grazing on alfalfa crops on privately owned lands outside the monument.

While the Department supports legislation to allow continued hunting in the NPS portion of the Craters of the Moon expansion area, this does not include support for opening to hunting the portion of the monument that existed prior to the proclamation of November 9, 2000. That portion of the national monument has always been, and should continue to be closed to hunting. In addition, I would like to clarify that the Department's position on this specific issue does not indicate support for opening other areas of the National Park System to hunting.

This concludes my testimony on H.R. 601. I would be glad to answer any questions you may have.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by H.R. 601.

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